



CAMDEN COUNCIL PLANNING PROPOSAL

Riparian Lands – Gregory Hills

May 2015

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EXECUTIVE SUMMARY

The Turner Road Precinct was one of the first precincts to be released and rezoned in the South West Growth Centre to facilitate the coordinated growth of housing and employment in the region. As part of the initial rezoning process in 2007, riparian corridors were mapped and zoned in accordance with the relevant NSW Government guidelines in place at the time.

In July 2012, the Office of Water (NOW) and Department of Planning and Environment presented the new guidelines to Councils and the development industry. This presentation acknowledged that the previous approach to riparian corridors (which was in place in 2007 when Turner Road was rezoned) was *"delivering unrealistic and unjustifiably large riparian corridor zones in urban areas"* and that *"the (previous) guidelines delivered poor urban development, social and environmental outcomes"*.

As a result, this Planning Proposal has been prepared in response to the modified "Guidelines for riparian corridors on Waterfront Land" (Riparian Guidelines) released by the NOW in July 2012. A detailed review of riparian corridor mapping and classification has been undertaken by Eco Logical Australia in consultation with the NOW and the land owners, to understand the current guidelines for corridors and explore opportunities for delivery of enhanced passive recreation facilities and modified corridor mapping.

One of the key principles of this Planning Proposal is to provide a greater sense of connectedness between parts of the future communities by reducing riparian corridor widths. Other key benefits of this Planning Proposal due to the reduction in riparian corridor widths include:

- Delivery of additional embellished parkland within the medium density precinct for Gregory Hills through conversion of the southern tributary to a combination of new open space and retained riparian corridor;
- Provision of 2.12 hectares of additional useable open space areas in total across the community;
- Achieve enhanced connectivity through and across open space areas;
- Delivery of additional developable land and opportunity for increased housing supply;
- Reduced bushfire risk throughout the Gregory Hills community.

The proposed amendments will ensure a consistent riparian corridor mapping regime is implemented throughout the South West Growth Centre Precincts in accordance with the current NOW Riparian Guidelines.

Council officers are of the opinion that this proposal is consistent with the relevant planning legislation and policies and will provide an overall net benefit to the community. On this basis, we respectfully request that the Department of Planning and Environment consider supporting this Planning Proposal through the Gateway Panel for determination.

INTRODUCTION

At its meeting on 28 April 2015, Council endorsed a resolution to forward the Riparian Lands Planning Proposal to the Department of Planning and Environment for Gateway determination (refer **Attachment 1**).

This Planning Proposal seeks to implement amendments to the land use mapping under 'Appendix 1 Oran Park and Turner Road Precinct Plan' *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* to align the mapping of Riparian Protection Areas and associated zoning boundaries with the current Office of Water (NOW) guidelines released in 2012 as identified by Eco Logical Australia. There are no amendments to the text of the SEPP under this proposal.

This proposal will involve the rezoning of riparian land along the eastern and southern tributaries of the South Creek catchment to allow for additional areas for residential housing and the provision of additional open space.

The following parts in this Planning Proposal report provide a more detailed justification of the proposal, and expand on the matters outlined above.

BACKGROUND

The Gregory Hills community forms part of the Turner Road South West Growth Centre Precinct which was rezoned in December 2007 to deliver a variety of residential housing, employment lands, open space and recreational areas, a local Neighbourhood Centre and other community facilities (refer **Figure 1** below).

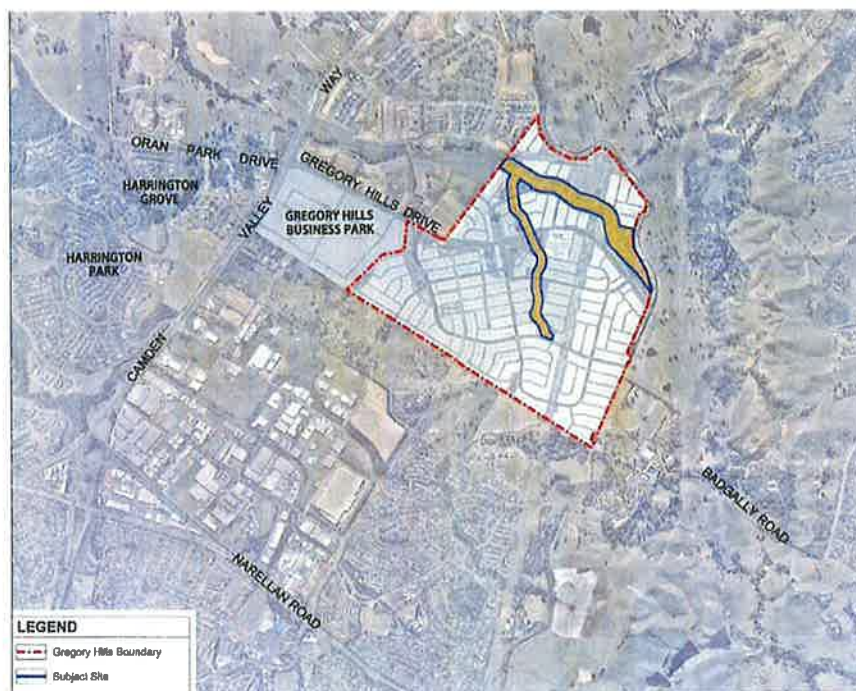


Figure 1: Locality Plan

As part of the initial rezoning process in 2007, riparian corridors were mapped and zoned in accordance with the relevant NSW Government guidelines in place at the time. In addition, the Oran Park and Turner Road Waterfront Land Strategy was released in 2009 which set further controls and outcomes for controlled activities in Riparian Protection Areas.

In 2012, the NSW State Government through the NOW undertook an extensive review of the design and delivery of riparian corridors in urban developments across NSW. In consultation with other NSW Government agencies, local government and the development industry, the NOW developed new riparian corridor guidelines to help make more land available for housing and to provide more flexibility in how riparian corridors can be used.

A detailed review of riparian corridor mapping and classification has been undertaken by Eco Logical Australia in consultation with the NOW and the land owners, to understand the current guidelines for corridors and explore opportunities for delivery of enhanced passive recreation facilities and modified corridor mapping (refer **Attachment 2**).

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The Planning Proposal seeks to amend the Maps under Appendix 1 of the SEPP to reconfigure a limited number of Riparian Protection Areas within Gregory Hills to reflect the current NOW Riparian Guidelines. The Planning Proposal involves the rezoning of land from E4 Environmental Living land to R1 General Residential and RE1 Public Recreation (refer **Figure 2**).

There are no amendments proposed to the text of the SEPP in this proposal.



Figure 2: Proposed Amendments to SEPP Zoning Map

The Riparian Corridor Strahler Assessment prepared by Eco Logical Australia has identified that the stream classification of the upper tributaries of South Creek within Gregory Hills under the current NOW guidelines are different to those mapped in the SEPP (i.e. identified as Riparian Protection Areas). The proposed outcomes for each tributary are discussed below.

Eastern Tributary

The Eastern Tributary represents the upper extent of South Creek, and is characterised by highly modified agricultural grazing lands and a former dam structure (refer **Figure 3**).



Figure 3: Site Plan

The Eco Logical Australia report prepared and submitted in association with this proposal identifies that under the 'Strahler Stream Order' classification, this stream would be classified as a Second Order Stream to the upper end of a former Dam, and a First Order Stream for the area upstream of the former dam (refer **Figure 4**).

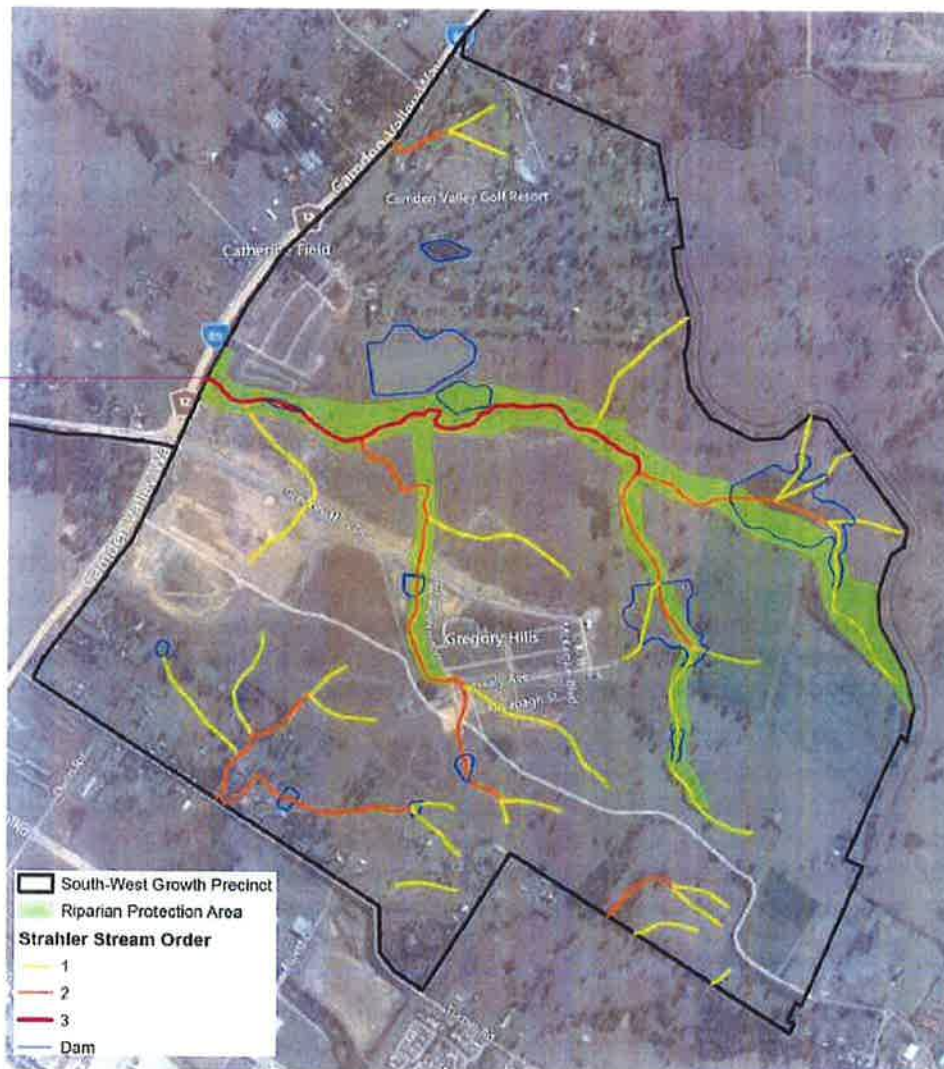


Figure 4: Turner Road Precinct Strahler Stream Order (Source: Eco Logical)

These classifications require significantly reduced riparian zones, meaning that a Second Order Stream in comparison with the previous guidelines is reduced from 100 metres to 60 metres. This equates to an increase in developable area for residential purposes of approximately 3.45 hectares.

This Planning Proposal does not seek to modify any portion of the mapped Riparian Protection Area at the eastern end of the stream which currently incorporates an Aboriginal Heritage Conservation Area under Aboriginal Heritage Impact Permit No. 101808.

This will ensure that a large area of existing significant vegetation will be retained and protected in accordance with the existing planning outcomes for the Gregory Hills development and will also provide a riparian off-set area if required.

Southern Tributary

The Southern Tributary of South Creek is similarly characterised by highly modified agricultural grazing lands, including an existing farm dam. This area also adjoins the future Gregory Hills Village Centre.

The Ecological Australia report prepared and submitted in association with this proposal identifies that under the 'Strahler Stream Order' classification, this stream would be 'classified as a Second Order Stream to the upper end of the existing Dam, and a First Order Stream for the area upstream of the dam.

This proposal seeks to modify the northern portion of this riparian corridor to more accurately reflect the current NOW guidelines. A small portion of this riparian corridor will form residential land with an area of approximately 2,033m². The proposal will also provide an additional open space area of 4,155m² in the form of an embellished Town Centre Park due to the current guidelines now permitting on-line stormwater detention basins within riparian corridors.

This will be delivered as a vegetated dry basin, with water quality treatment provided outside of the corridor area as required under the guidelines. It is proposed that any required riparian off-set areas will be provided within the upper reach of the eastern tributary which is proposed to be wholly retained as discussed above. The remaining riparian corridor will be retained and restored in accordance with the current guidelines.

The southern portion of the stream is proposed to gain approximately 6,700m² of additional R1 residential land. A further 1.7 hectares is proposed to be retained as open space within this corridor. The remainder of this land is proposed to retain a 10 metre wide riparian style corridor running through the centre with an area of 4,292m². This corridor will contain riparian style vegetation but will also link passive recreational uses, providing both environmental value and usable open space for future residents of Gregory Hills.

Land Use Arrangements

Rezoning of the land areas as described under this Planning Proposal will result in a number of additional areas of residentially zoned land being delivered within the Gregory Hills Project.

It is estimated that the additional R1 residential land proposed under this proposal would yield approximately 4.33 hectares of additional developable land, or approximately 60 additional lots within the Gregory Hills development area (refer **Attachment 3**).

It is also proposed to convert 2.12 hectares (Areas 1-3 in **Attachment 3**) of existing riparian land to usable, embellished passive open space (including proposed Town Centre Park) that will incorporate items such as cycleways connecting open space links.

The proposal will also include the retention of revegetated 10 metre wide riparian corridor (Area 4 in **Attachment 3**) with an area of 4,292m².

Net Community Benefit

One of the key principles of this Planning Proposal is to provide a greater sense of connectedness between parts of the future communities by reducing riparian corridor widths. The Landscape Connectivity Principles Plan (refer **Attachment 4**) prepared in association with this proposal demonstrates the benefits of adopting the current Riparian Guidelines in delivering enhanced landscape and pedestrian connections throughout Gregory Hills.

The key community benefits of this Planning Proposal include (refer **Attachment 3**):

- Provision of over 2.12 hectares of additional useable open space across the community, including;
 - Town centre park that is centrally located and within close proximity to local amenities (i.e. proposed shopping centre, schools);
 - Delivery of embellished parkland within the proposed medium density areas for Gregory Hills through conversion of southern tributary to useable open space;
- Enhanced connectivity through and across open space areas whilst retaining the riparian function of the Southern Tributary; and
- Decreased bushfire risk due to the reduction of planted riparian corridor areas.

NSW Government Support

The developer has worked closely with the NOW in the preparation of this Planning Proposal to ensure consistency with the current adopted Riparian Guidelines. The new guidelines for riparian corridors which came into effect on 1 July 2012 were jointly prepared by the NSW Office of Water and the then NSW Department of Infrastructure and Planning and were endorsed by Land and Housing Supply Sub-committee of Cabinet.

The overriding objective of the reforms was to increase the supply of housing by reducing riparian corridor widths. This is reflected in the NOW letter referenced in **Attachment 5**. This letter was published at the time the new guidelines were released.

The Department of Planning and Environment have also confirmed their support in previous advice received regarding applying the new riparian corridor guidelines to precincts that have already been rezoned through ensuring that the planning and design of development can be adapted to implement the new guidelines without any adverse impacts on the development or environmental outcomes.

The advice provided by NOW and the Department of Planning and Environment confirms that the new approach can be applied to Gregory Hills and that the riparian reforms have support within the relevant NSW Government agencies.

Biodiversity Certification

As part of this proposal, Eco Logical Australia has reviewed the Growth Centres Biodiversity Certification mapping as a result of the proposed changes and have confirmed that no additional vegetation off-set areas are required to be provided (refer **Attachment 6**).

This Planning Proposal will result in 2.12 hectares of riparian land being rezoned as open space within the Gregory Hills site, which will be offset within additional riparian areas to be retained on site. A 10 metre wide riparian corridor is to be retained within the southern tributary. A total of 3.7 hectares of additional riparian lands (predominantly along the South Creek – Eastern Tributary Corridor) will be utilised as offset lands for both the open space proposed and future possible on-line basins within the riparian corridors.

PART 2 – EXPLANATION OF PROVISIONS

The objectives of this Planning Proposal are to be achieved by amending the Map set under 'Appendix 1 Oran Park and Turner Road Precinct Plan' of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

The specific amendments to the SEPP Maps are included in **Attachments 7 to 11** and a summary of the Maps to be amended under this proposal are outlined below.

Map Type	Map Reference	Current	Proposed
Land Zoning Map	Sheet LZN_009	E4	R1
		E4	RE1
Lot Size Map	Sheet LSZ_009	1,000m ²	Min. 125m ²
Special Areas Map	Sheet SAM_009	Existing riparian corridors included in Special Areas Map	Rezoned land to be removed from Special Areas Map
Height of Buildings Map	Sheet HOB_009	9.5 metres	16 metres – RFBs
			9.5 metres – All other development
Riparian Protection Area Map	Sheet RPN_009	Existing riparian corridors included in Special Areas Map	Rezoned land to be removed from Riparian Protection Area Map

In addition to amending Appendix 1 of the Growth Centres SEPP, an amendment to the Turner Road Development Control Plan 2007 would also be necessary if a Gateway determination was granted for this proposal.

Currently the DCP includes mapping that replicates the zoning from the SEPP, and therefore, the mapping in the DCP will need to be amended to ensure consistency between the documents. These amendments are relatively minor and would only require replacing some existing figures within the DCP.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

As previously mentioned, this Planning Proposal is a direct result of the changing of the NOW 'Guidelines for riparian corridors on Waterfront Land' in 2012 in response to reducing riparian corridor widths based on stream classification and identifying certain uses within these areas.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The modifications sought in this Planning Proposal are the best means of achieving the objectives and intended outcomes. Given the proposed amendments relate to statutory land use mapping outcomes contained in the Growth Centres SEPP, other available processes are not considered an appropriate means of achieving the objectives and intended outcomes promoted by this Planning Proposal.

Is there a net community benefit?

As suggested in the Department's Local Plan-Making Guidelines, the Evaluation Criteria to undertake a Net Community Benefit analysis has been adapted from the Draft Centres Policy (April 2009). In some cases the Evaluation Criteria have been modified or removed to ensure the criteria are meaningful to this Planning Proposal.

The discussion below demonstrates that there is significant net community benefit resulting from the Planning Proposal.

Net Community Benefit Evaluation Criteria	Response
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The proposal is consistent with the State and regional strategic direction for development relating to housing growth in the area. The subject land forms part of an identified urban growth area for employment lands and residential development over a 30 year period.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/ subregional strategy?	<i>A Plan For Growing Sydney</i> was released on December 2014 as a strategic plan guiding planning decisions for Sydney's future population growth for the next 20 years. The subject site for this Planning Proposal is within a proposed urban area within the South West Growth Centre, which forms part of the South West Subregion under this plan.

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Net Community Benefit Evaluation Criteria	Response
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	Accordingly, the proposed amendments are consistent with the strategic plans for the area. The Planning Proposal is in accordance with outcomes in other release areas within Sydney's Growth Centres and the current NSW Office of Water guidelines for riparian corridors. The proposal will not create a precedent or change land owner expectations of development.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will not result in any increase, or decrease in the existing quantum of zoned employment lands within the Turner Road Precinct.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The Planning Proposal will assist housing supply through increasing residential land supply within the Gregory Hills development area through the rezoning of riparian corridors to reflect current NOW guidelines.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The subject site forms part of the Turner Road Precinct release area. Detailed planning and provision of public infrastructure has been undertaken as part of the rezoning process and the wider Growth Centres release area. In addition, this proposal will maintain and enhance the provision of cycling and pedestrian pathway networks throughout the Precincts. Accordingly, there is adequate public infrastructure to accommodate the proposed amendments.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will not result in any modifications to the planned road network and will therefore have nil impact on travel distances, times and road safety matters.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There are significant investments in infrastructure in the locality, however there will be no expected impacts resulting from this proposal.

Net Community Benefit Evaluation Criteria	Response
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Part of the proposal relates to existing Riparian Protection Areas under the Growth Centres SEPP. This Planning Proposal seeks to ensure that mapped Riparian Protection Areas are consistent with current NSW Government policies in relation to corridor widths and permissible development. Areas with a high environmental value such as the Aboriginal Heritage Conservation Area under Aboriginal Heritage Impact Permit No. 101808 will be retained in the mapped Riparian Protection Area at the eastern end of eastern tributary. The western part of the eastern tributary is bio-certified and is open land with no biodiversity value. There is also no land identified in Gregory Hills as containing Existing Native Vegetation (ENV). As such, the Riparian Protection Areas retained will ensure a high level of environmental protection for the riparian areas. The applicant is required to provide a drainage and flood modelling study as per the resolution of Council on 28 April 2015 to identify any potential flooding impacts as a result of the Planning Proposal. This study will be provided to Council post-Gateway determination.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposal is compatible and complementary with adjacent land uses, which includes industrial, residential and riparian lands. There will be no impacts on amenity or the broader community.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal does not incorporate any modifications to retail or commercial land uses that will impact on the number of retail and commercial premises operating in the area.

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Net Community Benefit Evaluation Criteria	Response
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	There are three main public interest reasons for progressing the Planning Proposal, including: 1. It will provide a more consistent statutory mapping outcome for riparian corridor lands within the Turner Road Precinct in relation to current Precinct Planning work being undertaken in surrounding release precincts. 2. The Planning Proposal will ensure that the provision and treatment of riparian corridors across the Gregory Hills project is consistent with current NSW State Government guidelines. 3. The Planning Proposal will allow for a more efficient and cost effective delivery of riparian corridor areas and surrounding housing outcomes. This will facilitate a minor increase in the number of homes able to be delivered for future residents, enhancing dwelling supply within the South West Growth Centre.

Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The NSW Government released 'A Plan for Growing Sydney' in December 2014. This plan sets the framework for Sydney's population growth for the next 20 years.

This Planning Proposal will provide greater certainty for development outcomes throughout the Turner Road Precinct through delivering riparian corridor mapping which is consistent with current NSW Office of Water guidelines.

The Planning Proposal is consistent with the objectives and directions for 'A Plan for Growing Sydney' as demonstrated below:

- Direction 2.1 - Proposal supports the push for accelerated housing supply across Sydney
- Direction 2.4 - Proposal supports the continued delivery of timely and well-planned greenfield housing development

- Direction 4.1 – The Proposal protects natural environment and biodiversity through retention of riparian corridor areas where it could otherwise be developed. Remnant vegetation within the existing riparian corridor will also be retained.

Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Camden Council's endorsed local strategic plan is 'Camden 2040 - Working Together to Achieve the Community's Vision for the Future'.

Camden 2040 has a vision to effectively manage its growth whilst promoting a prosperous local economy, with thriving local businesses and local employment. Part of successfully managing growth is to overcome a key challenge of "achieving a balance between large population increases and keeping the valued characteristics of Camden as it is now will be an ongoing tension and challenge over the coming decades."

The specific key challenges for growing the Camden LGA which relate to the Planning Proposal include:

- Creating good quality, liveable urban environments with a greater density than is currently available in the Camden area, including providing a range of efficient, affordable and innovative housing styles and public urban and open spaces.
- The importance of building and maintaining certainty and investment confidence within the area through efficient and stable strategic planning and development control processes.

The key strategies to meet the above challenges include:

- Learning from and improving the urban planning process over time so that lessons learned from each precinct planning process, as well as industry best practice, are used in subsequent precincts to ensure improved outcomes over time;
- Prioritising environmental outcomes through the planning and development process to maximise improvement and restoration opportunities and to minimise the ecological impacts of increased urban form, economic activity, people and lifestyles; and
- Ensuring greater choice and diversity in housing to meet a range of existing and future community needs.

The measure for success for the above strategies will be represented by ensuring that there is certainty and consistency in the delivery of urban growth areas within the Camden LGA.

The proposal will contribute to Council achieving these objectives through providing a consistent mapping regime for riparian corridor areas across the South West Growth Centre Precincts.

Is the planning proposal consistent with applicable state environmental planning policies?

The State Environmental Planning Policies (SEPPs) that are relevant to this Planning Proposal are identified below.

Relevant SEPP/Deemed SEPP	Consistency of Planning Proposal
SEPP (Sydney Region Growth Centres) 2006	The Turner Road Precinct is located within the South West Growth Centre. The Planning Proposal seeks to amend Appendix 1 and associated mapping of this SEPP. The proposal is consistent with the aims of the SEPP to coordinate the release of land for employment generation in the in the South West Growth Centre.
SEPP 19 – Bushland In Urban Areas	This Planning Proposal is subject to this SEPP given that the proposal incorporates existing bushland in an identified urban area. There is some remnant vegetation located towards the eastern side along the eastern tributary, with the majority of this vegetation proposed to be retained. The majority of the rest of the riparian corridors to be rezoned will be required to be revegetated given there is little or no existing vegetation along these corridors. Accordingly, this Planning Proposal is consistent with the objectives of this SEPP.
SEPP 55 – Remediation of Land	Remediation works have occurred over the entire Gregory Hills development site. As part of this process, there were no Areas of Environmental Concern identified in any of the existing riparian corridors. In addition, bulk earthworks have been approved over the areas incorporated within the proposal. Accordingly, the Planning Proposal is consistent with the objectives of this SEPP.
SREP No 20—Hawkesbury-Nepean River	The land subject to this Planning Proposal is within the SREP No 20 applicable area. Future detailed development proposals will comprehensively consider the requirements of SREP No 20 to ensure appropriate environmental considerations to water quality, heritage, flora and fauna, etc. are undertaken. Accordingly, the Planning Proposal is consistent with SREP No 20.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table provides an assessment of the Planning Proposal with the relevant S117 Directions:

s.117 Direction Title	Does this Direction Apply?	Consistency of Planning Proposal
1.1 Business and Industrial Zones	Yes	The proposal will not adversely impact on viability of business zones in the region. The Planning Proposal is consistent with this Ministerial Direction.
1.2 Rural Zones	Not Applicable	This direction is does not apply as the Planning Proposal does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable	This direction does not apply as the Planning Proposal does not propose any modification to the permissibility or operational restrictions relating to extractive industries.
1.4 Oyster Aquaculture	Not Applicable	This direction does not apply as the Planning Proposal does not incorporate any land within Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006) ("the Strategy").
1.5 Rural Lands	Not Applicable	This direction does not apply to land within the Camden Local Government Area.
2.1 Environment Protection Zones	Yes	The Planning Proposal is consistent with this direction in that it seeks to align the mapping of Riparian Protection Areas and associated zoning boundaries with the current

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s.117 Direction Title	Does this Direction Apply?	Consistency of Planning Proposal
		NOW guidelines released in 2012. The Planning Proposal does not propose any modification to the land use controls within the E4 zone.
2.2 Coastal Protection	Not Applicable	This direction does not apply as the Planning Proposal does not affect land within a coastal zone.
2.3 Heritage Conservation	Yes	The Planning Proposal is consistent with this direction as it maintains all areas of environmental heritage identified under the existing planning controls for the site. The Aboriginal Heritage Conservation Area under Aboriginal Heritage Impact Permit No. 101808 will be retained in the mapped Riparian Protection Area at the eastern end of the stream.
2.4 Recreation Vehicle Areas	Yes	The Planning Proposal is consistent with this direction as it does not enable land to be developed for the purpose of a recreation vehicle area.
3.1 Residential Zones	Yes	The Planning Proposal is consistent with this Ministerial Direction as there is no proposed amendment to the land use controls within the residential zonings. All provisions relating to facilitating the provision of housing are retained.
3.2 Caravan Parks and Manufactured Home Estates	Yes	The Planning Proposal is consistent with this direction as it does not modify provisions relating to the permissibility of

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s.117 Direction Title	Does this Direction Apply?	Consistency of Planning Proposal
		caravan parks and the like.
3.3 Home Occupations	Yes	The Planning Proposal is consistent with this direction as it does not modify provisions relating to the permissibility of home occupations within dwellings.
3.4 Integrating Land Use and transport	Yes	The Planning Proposal is consistent with this Ministerial Direction. The Proposal will not result in any modifications to the adopted road and transport network infrastructure across the Turner Road Precinct.
3.5 Development Near Licensed Aerodromes	Not Applicable	This direction is not applicable as the Planning Proposal will not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.5 Shooting Ranges	Not Applicable	This direction is not applicable as the Planning Proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
4.1 Acid Sulphate Soils	Not Applicable	This direction is not applicable as detailed planning relating to acid sulphate soils has been undertaken under the rezoning of the site under the Growth Centres SEPP.
4.2 Mine Subsidence and Unstable Land	Not Applicable	This direction is not applicable as the land is not identified as being within a Mine Subsidence area.

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s.117 Direction Title	Does this Direction Apply?	Consistency of Planning Proposal
4.3 Flood Prone Land	Yes	This direction is applicable as there is flood prone land identified with the existing riparian corridors. However, no land within such areas will be rezoned for residential purposes and the Planning Proposal does not remove or alter provisions relating to flood prone land.
4.4 Planning for Bushfire Protection	Yes	This direction is applicable there is land within proposal area that is subject to bushfire protection. The proposal will result in a reduced bushfire risk through the reduction in APZ widths to the areas where the riparian corridors are proposed to be rezoned. Perimeter roads are proposed to ensure APZs are appropriately managed. On this basis, the Planning Proposal is consistent with this ministerial direction.
5.1 Implementation of Regional Strategies	Not applicable	The Planning Proposal is not within a listed regional strategy as per this ministerial direction.
5.2 Sydney Drinking Water Catchments	Not Applicable	This direction is not applicable to the subject land.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable	This direction is not applicable to the subject land.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	This direction is not applicable to the subject land.
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable	This direction is not applicable to the subject land.

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s.117 Direction Title	Does this Direction Apply?	Consistency of Planning Proposal
6.1 Approval and Referral Requirements	Yes	The Planning Proposal is consistent with this direction as it does not alter any approval or referral requirements.
6.2 Reserving Land for Public Purposes	Not Applicable	This direction is not applicable as it does not affect land identified under the SEPP to be reserved for public purposes.
6.3 Site Specific Provisions	Not Applicable	This direction is not applicable as it does not propose any site specific provisions.
7.1 Implementation of the Metropolitan Strategy	Yes	The Planning Proposal is consistent with this direction as it meets objectives of A Plan For Growing Sydney through implementing identified urban growth lands.

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal will not adversely impact on any critical habitat or threatened species, populations or ecological communities, or their habitats, environmental values or matters of environmental significance.

The Riparian Corridor Review Report notes that the proposed stream widths will either meet or exceed minimum Strahler stream widths required to be delivered under current design guidelines.

Furthermore, the site is subject to biodiversity certification under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 which was gazetted on 14 December 2007.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This Planning Proposal has been prepared in consultation with ecological consultants to ensure the outcomes achieve relevant biodiversity targets. In addition, all of the creek lines discussed in this proposal are currently degraded drainage lines within site that were previously used for agricultural purposes associated with the St Gregory's College (refer **Figure 5**).



Figure 5: Aerial Map

As part of this proposal, Eco Logical Australia undertook a Biodiversity Review (Refer **Attachment 6**). This review has concluded that there are no impacts on environmentally protected species or land under the proposed corridor arrangements. The review states as follows:

"The majority of the proposed changes are located on 'certified land' that is exempt from the TSC and EPBC Act.

A small section of the proposed changes is located on non-certified land. The certification boundary in this area has been determined based on regional flood modelling and is not related to biodiversity values. This area of land will continue to be subject to the TSC and EPBC Acts, however field validation has determined that the land affected is exotic pasture that does not contain any ecosystems or species protected under these Acts, as such there will be no implications under biodiversity legislation.

This area of land does not contain 'ENV', as such there are no additional implications under the Growth Centres Biodiversity Certification Order. It is worth noting that the Department of Planning and Infrastructure has made non-certified land available for development if it does not contain ENV at other precincts within the Growth Centres (e.g. Catherine Fields South)."

Environmental functionality of the creek system will be retained. As outlined above, the Riparian Corridor report notes that the proposed stream widths will either meet or exceed minimum Strahler widths required to be delivered under current design guidelines.

Accordingly, there are no likely environmental effects from this proposal.

How has the planning proposal adequately addressed any social and economic affects?

Assessment of the economic and social impacts for the Turner Road Precinct was undertaken as part of the comprehensive Precinct Planning process, which included the rezoning the site for residential and employment development.

As previously mentioned, the key social benefits of this Planning Proposal include (refer **Attachment 3**):

- Provision of over 2.12 hectares of additional useable open space across the community, including;
 - Town centre park that is centrally located and within close proximity to local amenities (i.e. proposed shopping centre, schools);
 - Delivery of embellished parkland within the proposed medium density areas for Gregory Hills through conversion of southern tributary to useable open space;
- Enhanced connectivity through and across open space areas whilst retaining the riparian function of the Southern Tributary; and
- Decreased bushfire risk due to the reduction of planted riparian corridor areas.

The proposed modifications will assist in providing consistency in the delineation of Riparian areas across the Growth Centre Precincts. As such, the only economic and social effects are considered to be positive for existing and future communities within the region.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The subject site is within a major urban growth area of South West Sydney. Comprehensive assessment on infrastructure needs was undertaken at the Precinct Planning stages of planning for the Turner Road Precincts and public infrastructure needs to accommodate the demands of an increased urban development have been determined. The Planning Proposal will not create any additional needs for public infrastructure for the locality.

In addition, public infrastructure for the Gregory Hills development is to be delivered in accordance with the requirements of the Gregory Hills VPA, as amended on 14 December 2014.

What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

There have been ongoing discussions over a number of years with State Government departments, including DPE and NOW, in regards to changes to the NOW Riparian Guidelines.

The following additional state agencies have been identified for consultation as part of any Gateway approval:

- Office of Environment and Heritage (OEH);
- Rural Fire Service;
- Sydney Water; and
- Endeavour Energy.

PART 4 – MAPS

The proposed changes to the SEPP Maps are provided in Attachments 7 to 11, with changes to the following maps:

1. Proposed SEPP Land Zoning Map (Sheet LZN_009);
2. Proposed SEPP Lot Size Map (Sheet LSZ 009);
3. Proposed SEPP Special Areas Map (Sheet SAM 009);
4. Proposed SEPP Height of Buildings Map (Sheet HOB_009); and
5. Proposed Riparian Protection Area Map (Sheet RPN_009).

PART 5 – COMMUNITY CONSULTATION

An exhibition period of the amended SEPP documentation is recommended as per the resolution of Council on 28 April 2015 for a period of 28 days.

Community consultation will commence by giving notice of the public exhibition of the Planning Proposal:

1. in a newspaper that circulates in the area affected by the Planning Proposal;
2. on the Camden Council website; and
3. in writing to adjoining landowners.

PART 6 – PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	June 2015
Anticipated timeframe for the completion of required technical information	July 2015
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	August/September 2015
Commencement and completion dates for public exhibition period	October/November 2015
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	4-6 weeks
<i>N.B - Timeframes beyond this point are subject to processing by the Department of Planning and Environment and Parliamentary Counsel.</i> <i>Project timeframes will also be reviewed upon Gateway determination.</i>	

CONSLUSION

This Planning Proposal has been prepared in response to the modified "Guidelines for Riparian Corridors on Waterfront Land" released by the NOW in July 2012. The Planning Proposal seeks Council's support to rezone land no longer required to be reconstructed and delivered as riparian corridors under current NSW Government policies.

These changes simplify the controlled activities application and assessment process, provide greater flexibility, help make more land available for housing, support floodplain, stormwater and bush fire management, and allow riparian corridors to be used for public amenity, whilst continuing to deliver environmental outcomes.

As part of this proposal, the developer has proposed to dedicate and embellish two additional open space areas of an additional 21,213m². This additional open space is proposed to be located in areas where they are able to be integrated into the existing open space network, ensuring sufficient scale is achieved in individual parks to enable efficient layouts and appropriate facilities. The additional open space is also able to be provided in close proximity to the areas where the additional dwellings will be situated.

Council is of the opinion that the proposal provides an overall net benefit to the community without compromising development and environmental outcomes. On this basis, we respectfully request that the Gateway Panel support this Planning Proposal accordingly.

SCHEDULE OF ATTACHMENTS

Attachment 1	Council Report – Riparian Lands Planning Proposal – Gregory Hills
Attachment 2	Gregory Hills Riparian Corridor Review – Eco Logical Australia
Attachment 3	Riparian Corridor Planning Proposal Areas Map
Attachment 4	Landscape Connectivity Principles Plan
Attachment 5	NSW Office of Water Letter
Attachment 6	Gregory Hills Biodiversity Certification Review - Eco Logical Australia
Attachment 7	Proposed amendments to the South West Growth Centre Land Zoning Maps
Attachment 8	Proposed amendments to the South West Growth Centre Lot Size Maps
Attachment 9	Proposed amendments to the South West Growth Centre Special Areas Maps
Attachment 10	Proposed amendments to the South West Growth Centre Height of Buildings Maps
Attachment 11	Proposed amendments to the South West Growth Centre Riparian Protection Area Maps

ATTACHMENT 1

Council Report – Planning Proposal to Rezone Riparian Lands at Gregory Hills



ORDINARY COUNCIL

ORD02

**SUBJECT: RIPARIAN LANDS PLANNING PROPOSAL - TURNER ROAD
PRECINCT**
FROM: Director Planning & Environmental Services
TRIM #: 15/81462

PURPOSE OF REPORT

The purpose of this report is for Council to consider a Planning Proposal to rezone E2 Environmental Conservation and E4 Environmental Living lands to a combination of R1 General Residential and RE1 Public Recreation, and to seek a resolution from Council to forward the Planning Proposal to the Department of Planning and Environment (DoPE) for Gateway determination. The draft Planning Proposal is included as **Attachment 1 to this report**.

BACKGROUND

A Planning Proposal for the subject land was submitted to Council 9 July 2013 by Design and Planning on behalf of Dartwest Developments and Greenfields Development Corporation (GDC). The proposal included riparian lands in both the Turner Road and Oran Park development precincts.

Councillors have been briefed on the proposal on three occasions since its original lodgement. These briefings occurred on 22 October 2013, 22 July 2014 and 10 March 2015.

Following the July 2014 briefing, the Oran Park landowners (GDC) withdrew from the joint application. A revised Planning Proposal was lodged on behalf of Dartwest on 17 October 2014.

The land subject to this Planning Proposal is shown in **Figure 1**. The subject site incorporates land along the upper extent of South Creek and an associated southern tributary. The subject lands currently contain limited existing remnant vegetation.

As part of the initial Turner Road rezoning process in 2007, riparian corridors were mapped in accordance with the legislation and guidelines in place at the time. In 2011, the NSW Government commenced a review relating to riparian lands, including the appropriate widths of corridors based on stream classification, and the types of uses permitted within such areas.

In July 2012, the NSW Office of Water (NOW) released "Guidelines for Riparian Corridors on Waterfront Land", which amended riparian corridor widths that apply to watercourses and provided greater flexibility in how riparian corridors can be used for public recreation.

The revised guidelines provide a reduction in riparian corridors of up to 60 metres in some areas of Gregory Hills, and the ability to provide online detention basins (i.e. within the corridor), thus removing the need for offline detention basins.

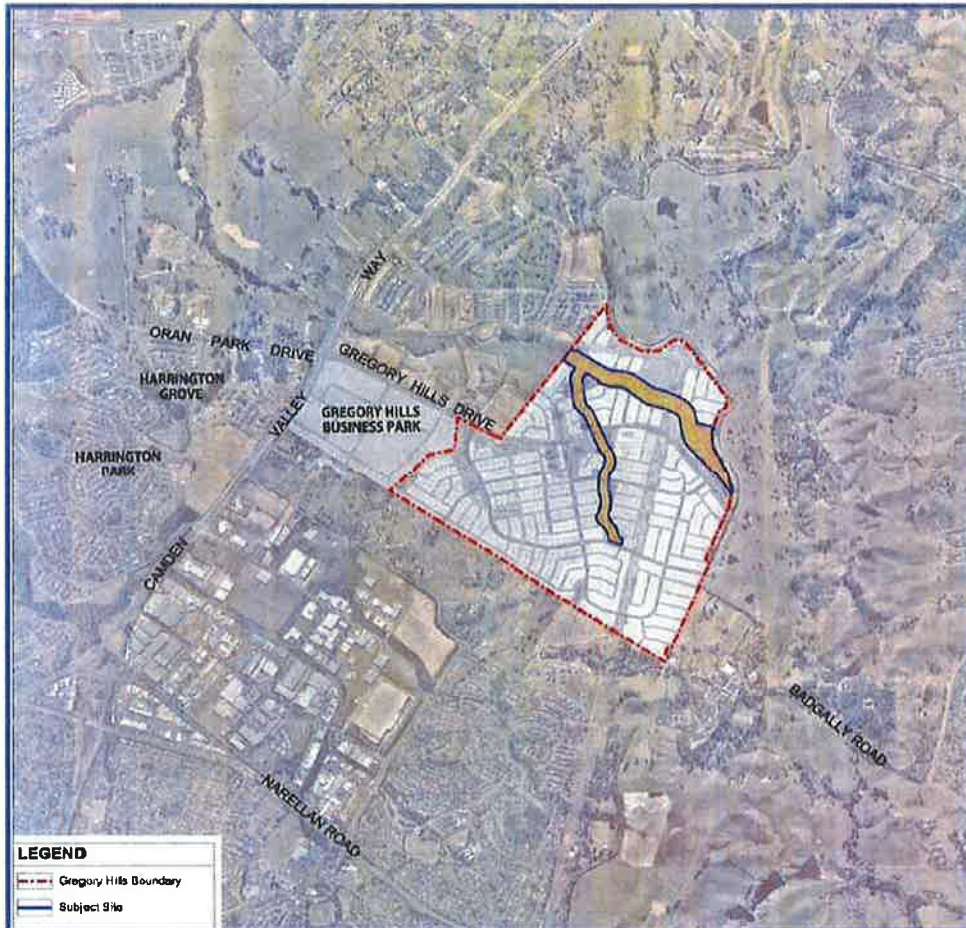


Figure 1 – Site Location – Gregory Hills Riparian Proposal

Source – Design + Planning – Gregory Hills Planning Proposal (October 2014)

MAIN REPORT

The Proposal

The Planning Proposal seeks to rezone land previously identified as part of a network of riparian corridors to R1 General Residential and RE1 Public Recreation under the State Environmental Planning Proposal (Sydney Region Growth Centres) 2006. In summary, the key points of this proposal are as follows (Refer **Attachment 2 to this report**):

- Removal of 64,513m² of future revegetated riparian corridor along the southern and eastern tributaries of the upper South Creek Catchment;
- Rezone 43,300m² of land previously identified as riparian corridors to R1 General Residential (land shown in pink on Attachment 2);
- Provision of 21,213m² of passive open space and associated embellishments such as cycleways and seating (land shown as Areas 1, 2, and 3 of Attachment 2);
- Creation of an additional 60 residential lots within the proposed additional R1 lands;
- Provision of 4155m² for an embellished town park adjacent to the Gregory Hills Town Centre and future primary school (land shown as Area 1 on Attachment 2);
- Retention of a 4,292m² revegetated riparian corridor along the southern tributary (land shown as Area 4 on Attachment 2); and



- Retention of a combined 14.8ha riparian corridor on the northern most end of the southern tributary and eastern tributary.

Discussion

Community Benefit

The Planning Proposal reduces the width of existing riparian corridors and converts this land to useable open space, rather than for bushland or drainage purposes. This will provide benefit to the community in the following ways:

- Provision of over 21,213m² of useable and connected passive open space areas;
- Provision of a town centre park that is centrally located and within close proximity to local amenities (i.e. proposed shopping centre, schools);
- Retention of the riparian function of the southern tributary;
- Reduced bushfire risk through the reduction of planted riparian corridor areas;
- The additional open space adds to an overall provision of 49 hectares of green space across a total development area of 235 hectares.

Community Expectations

Since the initial lodgement of the Planning Proposal in July 2013, the developer has ensured all sales and marketing material for developments in the vicinity of the subject lands have included a disclaimer that acknowledges the Planning Proposal is currently being considered by Council.

The proponent has also advised that they have amended the staging of their development to ensure they are not developing land adjacent to the land proposed to be rezoned, in order to allow consideration of the draft planning proposal.

Additional Developable Area

The proposed rezoning will generate additional residential development. The Gregory Hills portion of the Turner Road precinct is currently planned at 2422 dwellings which equates to approximately 15 dwellings per hectare over the 161.5 hectares of net developable area of the entire site.

The Planning Proposal seeks to increase the net developable area by 43,300m², which will deliver approximately 60 additional residential lots. The dwelling density will be approximately 14.9 dwellings per hectare over a new net developable area of 165.8 hectares. Thus, there is no increase to the dwelling density rate of the entire Gregory Hills development as a result of the additional developable area.

Environmental Impacts

Council officers have reviewed the Planning Proposal to ascertain the environmental impacts of removing the requirement to revegetate the riparian corridors as required under the previous guidelines for riparian management.

Eastern Tributary (of South Creek)

The proposal will not result in the loss of any additional existing native vegetation in this area and will re-establish a more naturalised stream alignment than currently required.

It is also noted that the remnant vegetation at the eastern end of the tributary is proposed to be included within the riparian corridor under the draft proposal. Currently this vegetation is not included in the riparian corridor and as bio-certified land this vegetation could be removed.

Southern Tributary (of South Creek)

The riparian lands along the southern tributary are proposed to be replaced by passive open space and a 10 metre wide riparian corridor. There is currently limited riparian function at this extent of the tributary. In addition, it is noted that this portion of the riparian corridor is able to be completely removed under offsetting provisions in the current NSW Office of Water Riparian Guidelines.

However, the proponent intends to retain the naturalised stream bed as part of future open space rather than piping in this location, including the restoration of a 10m wide riparian corridor. This will ensure that the southern tributary retains its environmental value and riparian functionality, in addition to providing improved connectivity to the wider open space network in Gregory Hills.

It is noted that should this proposal receive support from Council and a subsequent favourable gateway approval, Council officers will require additional information in regards to the design and embellishments of both the riparian and open space areas, and detailed flood and drainage modelling to reflect the proposed changes.

Maintenance Costs

The changes proposed by the Planning Proposal would provide a saving to Council of approximately \$12,000 per annum. The savings as demonstrated in **Table 1** is a result of the reduction in land required to be maintained by Council.

The cost of maintaining open space is on average slightly more than that of established riparian lands. However, the overall reduction of "managed lands" will reduce the overall maintenance cost to Council.

Item	Proposed land area (m ²)	Maintenance Rate (\$ per m ²)	Maintenance Cost/Saving
Riparian (New Development)	43,300	0.35	-\$15,155
Riparian (10m Retained Buffer)	4,292	0.35	No change
Open Space (Formerly Riparian Land)	21,213	0.15	+\$3,181.95
TOTAL			-\$11,973.05 (total saving to Council per annum)

Table 1: Riparian and Open Space Maintenance Costs

It is noted that the cost of maintaining riparian lands is estimated at \$0.35/ha. The cost of maintaining open space is estimated at \$0.50/ha. The \$0.15 used in Table 1 is the difference between maintaining open space and riparian land.

Amendments Required

Should the Planning Proposal receive Council support and a favourable gateway determination, a number of concurrent amendments will be required to other instruments and agreements applying to the subject land.

SEPP Growth Centres

- Rezone the subject lands as shown in **Figure 2** from E2 Environmental Conservation and E4 Environmental living to R1 General Residential and RE1 Public Recreation.
- Amendments to height and lot size maps will also be required. The Planning Proposal recommends adopting the current height and minimum lot size of the adjacent R1 zone under the Growth Centres SEPP.

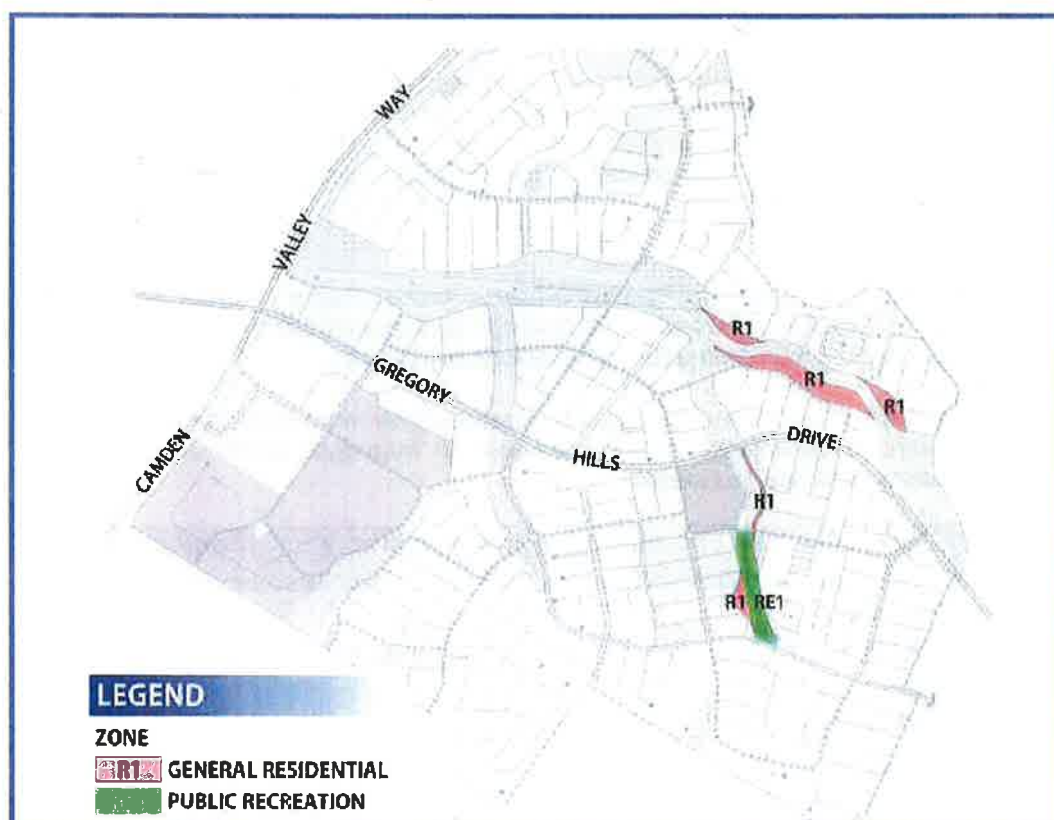


Figure 2 – Proposed Rezoning – Gregory Hills Riparian Lands Planning Proposal

Source – Design + Planning – Gregory Hills Riparian Land Planning Proposal - October 2014

Oran Park Turner Road DCP

- Inclusion of the subject land within the DCP and amendment of the associated Indicative Layout Plan (ILP).



Gregory Hills VPA

- Removal of the requirements relating to the embellishment and dedication of the current riparian corridor, which are currently part of the VPA;
- Inclusion of requirements to provide the embellishment of the additional open space;
- Provision of other local infrastructure and monetary contributions relating to the increased dwelling yield within the Gregory Hills development; and
- It is noted that the detailed VPA amendments and DCP amendments have not yet been fully negotiated and will be subject to a further report to Council should the proposal receive a Gateway determination and subsequently be publicly exhibited.

Additional Studies Post Gateway

Subject to Council support and a favourable gateway determination Council officers will request additional detailed studies and designs to enable the finalisation of the Planning Proposal and other key documents such as the Turner Road DCP and the VPA applying to the site. These studies/detail designs will include:

- Drainage and flood modelling;
- Concept design for the Town Park;
- Concept design for the additional open space areas; and
- Concept design for the riparian corridor along the southern tributary.

Public Agency Consultation

Subject to Council support and a favourable gateway determination, the draft Planning Proposal will be referred to a number of public agencies either prior to, or during the public exhibition period, depending upon the circumstances of the Gateway determination.

Council will recommend that the following key agencies be consulted, however, it is recognised that the Department of Planning and Environment may add additional agencies to be consulted, as part of any gateway approval.

- NSW Office of Water;
- Office of Environment and Heritage (Environment Branch);
- Rural Fire Service;
- Sydney Water; and
- Endeavour Energy.

Where to from here?

If Council resolves to send the Planning Proposal to the Department of Planning and Environment, for Gateway determination the following steps will occur:

1. Following Gateway approval draft studies and detailed designs to be undertaken by the proponent;
2. Staff will consider additional reports and amend the Planning Proposal, relevant DCP and the VPA as necessary;
3. Report to Council prior to public exhibition; and



4. Public exhibition of the Planning Proposal, Draft DCP amendments and Draft VPA amendments
5. Report back to Council on the outcomes of the public exhibition process.

Should the Planning Proposal not be supported by Council, or the Department of Planning and Environment, then the proponent will be notified accordingly.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report.

CONCLUSION

This report outlines the draft Planning Proposal to rezone lands within the Gregory Hills portion of the Turner Road precinct from E2 Environmental Conservation and E4 Environmental Living to R1 General Residential and RE1 Public Recreation.

This application is in response to the changes to State Government policy with regards to the use and management of riparian lands. The draft proposal is compliant with the revised State Government policy and has the support of the NSW Office of Water.

The Planning Proposal would result in a total of 43,300m² (4.3ha) of additional residential land (60 dwellings), provision of 21,213m² of passive open space, and restoration of over 15ha of riparian corridor.

The proposal will provide additional useable open space to the community and will continue to provide an appropriate riparian function on both tributaries of the South Creek catchment.

Should the Planning Proposal proceed concurrent amendments will be required to the Turner Road DCP and the Gregory Hills VPA.

RECOMMENDED

That Council:

- i. **endorse the Planning Proposal for the rezoning of riparian lands within the Gregory Hills portion of the Turner Road precinct;**
- ii. **forward the Planning Proposal to the Department of Planning & Environment for Gateway determination and advise that the matter be placed on public exhibition for 28 days;**
- iii. **require a further report to allow consideration of the planning package including the Planning Proposal, draft DCP and draft VPA prior to public exhibition; and**
- iv. **prepare a further report for Council consideration at the conclusion of the public exhibition period.**

Resolution: Moved Councillor Sidgreaves, Seconded Councillor Fedeli that Council:

- i. **endorse the Planning Proposal for the rezoning of riparian lands within the Gregory Hills portion of the Turner Road precinct;**



-
- ii. forward the Planning Proposal to the Department of Planning & Environment for Gateway determination and advise that the matter be placed on public exhibition for 28 days;
 - iii. require a further report to allow consideration of the planning package including the Planning Proposal, draft DCP and draft VPA prior to public exhibition; and
 - iv. prepare a further report for Council consideration at the conclusion of the public exhibition period.

ORD1/15 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Copeland, Warren, Symkowiak, Fischer, Dewbery, Fedeli and Bligh voted in favour of the Motion. Councillor Campbell voted against the Motion.)

ATTACHMENTS

- 1. Revised Planning Proposal - Turner Road Precinct - April 2015
- 2. Revised Planning Proposal - Riparian Corridors Areas Map

ATTACHMENT 2

Gregory Hills Riparian Corridor Review – Eco Logical Australia



Gregory Hills Riparian Corridors

Strahler Assessment

Prepared for
Dart West Developments

June 2013



DOCUMENT TRACKING

ITEM	DETAIL
Project Name	Gregory Hills Riparian Corridors Strahler Assessment
Project Number	12WOLPLA-0047
Project Manager	Steven House
Prepared by	Sally Perry, Steven House
Approved by	Steven House
Status	Final
Version Number	5
Last saved on	25 June 2013

This report should be cited as 'Eco Logical Australia March 2013. *Gregory Hills Riparian Corridors Strahler Assessment*. Prepared for Dart West Developments.'

Cover Photos: Clockwise from top left. 1. Retained first order stream at Oran Park. 2. Man-made wetland, Oran Park. 3. South Creek, Gregory Hills

ACKNOWLEDGEMENTS

This document has been prepared by Eco Logical Australia Pty Ltd.

Disclaimer

This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Eco Logical Australia Pty Ltd and Dart West Developments. The scope of services was defined in consultation with Dart West Developments, by time and budgetary constraints imposed by the client, and the availability of reports and other data on the subject area. Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information.

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Abbreviations

ABBREVIATION	DESCRIPTION
CRZ	Core Riparian Zone
DoP	(Former) Department of Planning
DIPNR	(Former) Department of Planning Infrastructure and Natural Resources
DP&I	Department of Planning and Infrastructure
NOW	NSW Office of Water
RCMS	Wollongong Riparian Corridor Management Strategy
VB	Vegetated Buffer
WFLS	Oran Park and Turner Road Waterfront Land Strategy

1 Introduction

Dart West Developments commissioned Eco Logical Australia Pty Ltd (ELA) to assess riparian corridors within the Gregory Hills Estate (See Figure 2) in accordance with the current NSW Office of Water 'Guidelines for riparian corridors on waterfront land' (NOW, June 2012). This assessment is intended to inform a planning proposal to rezone land within Gregory Hills that will bring the extent of riparian corridors in line with current government policy.

Gregory Hills is located within the Turner Road Precinct, within the South-west Sydney Growth Centre. Riparian Corridors within the broader precinct were assessed as part of the rezoning of these lands based on a methodology known as the 'RCMS', which in itself was an adaptation of the Wollongong Riparian Corridor Management Strategy (DIPNR, 2004).

One of the outcomes of the Turner Road Precinct study was the preparation of the Oran Park and Turner Road Waterfront Land Strategy (DoP, 2009) (hereon referred to as the 'WFLS'). The WFLS redefined the extent of waterfront land across the precinct, which in effect provided an exemption from the *Water Management Act, 2000* for mapped watercourses which during field survey were identified as not being present or of little hydrological or environmental value.

For the remaining riparian corridors, the WFLS strategy identified a suite of activities that were exempt from the requirement to obtain Controlled Activity Approval (CAA) under the *Water Management Act, 2000* and effectively transferred approval for these activities to Camden Council.

The overall effect of the WFLS is to exempt certain land from CAA and for the remaining riparian areas, to exempt a suite of activities from CAA.

In 2012, the NSW Office of Water published new guidelines for riparian corridors that based the classification of streams on their Strahler Stream Order and identified a matrix of permissible works and activities for each stream order. The new guidelines also introduced the 'averaging rule' that allows encroachment into the outer 50% of the riparian corridor providing such encroachment is offset.

This report assesses the agreed riparian corridors against the new guidelines and the associated 'Frequently asked questions' published by the NSW Office of Water (2012 & 2012a).

2 Stream Order and Urban Design

An assessment of stream order was undertaken using the existing mapped hydrolines. Pursuant to the methodology outlined in the *Frequently asked questions* (NOW 2012a), stream order was allocated to all mapped creeks, regardless of whether or not they actually meet the definition of a 'river' in the field.

The relevant riparian buffer was then applied to the existing field validated Top of Bank (TOB). Where there was no mapping available, principally due to the presence of online farm dams or no discernible channel with this highly modified agricultural environment, a total channel width of 6.5 metres and 10 metres has been allocated to first order and second order streams respectively.

The results of the stream order assessment are provided in Figure 1 for the entire precinct and Figure 2 for the site.

The information from this assessment has been incorporated into the urban design for the site (see Figure 3). This map shows the proposed changes in relation to the existing riparian areas identified in the Waterfront Land Strategy. The information contained in Figure 3 is proposed to be used as the base for any agreed changes.

Figure 3 also identifies two proposed offset areas. One area of 30,040sqm is located in the vegetated area at the headwaters of South Creek, the second area of 6,796sqm is located along the southern tributary. The total offset area is therefore 36,836sqm. This offset area will compensate for any potential online wet basins in the southern tributary and the proposed non-riparian uses in the area marked as 'open space' in Figure 3. The intention of the offset area is to meet or exceed the requirements of the 'averaging' rule.

This offset area is also compensating for the loss of the first order streams identified on the site. These streams, with a 10 metre buffer either side total 12,605sqm in area. This leaves a balance 24,231sqm to offset non-riparian corridor uses elsewhere on the site.

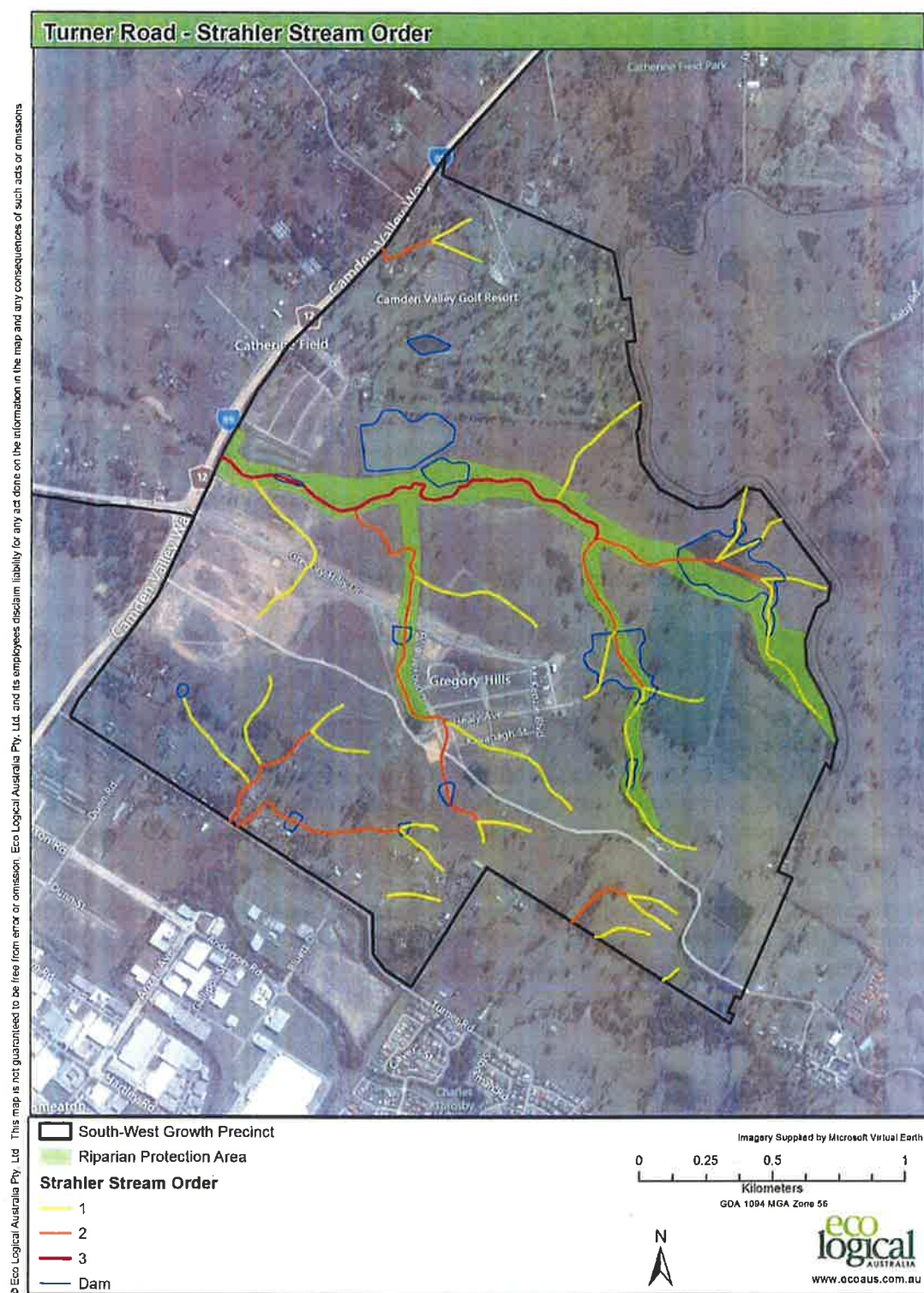


Figure 1. Turner Road Precinct Strahler Stream Order

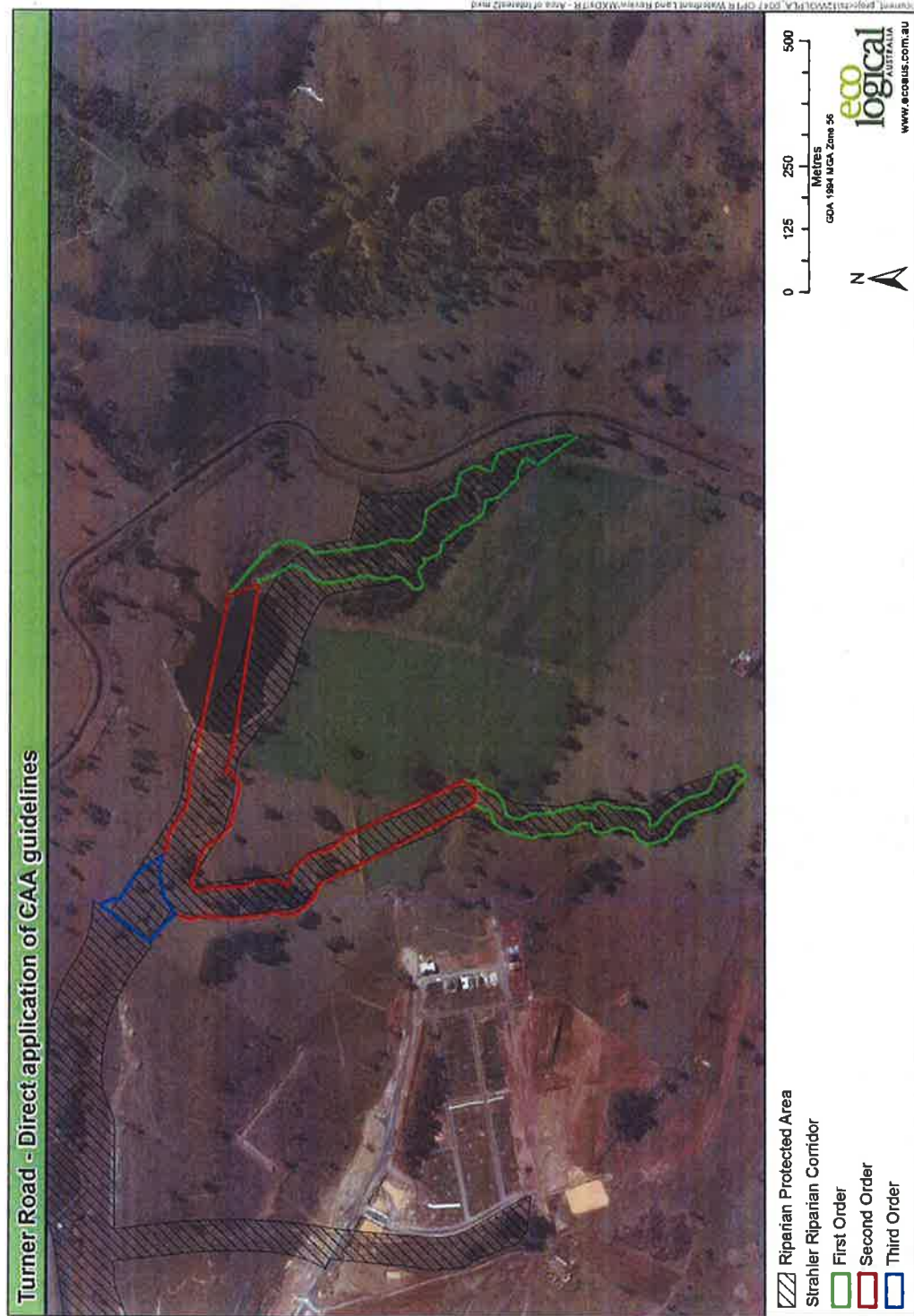
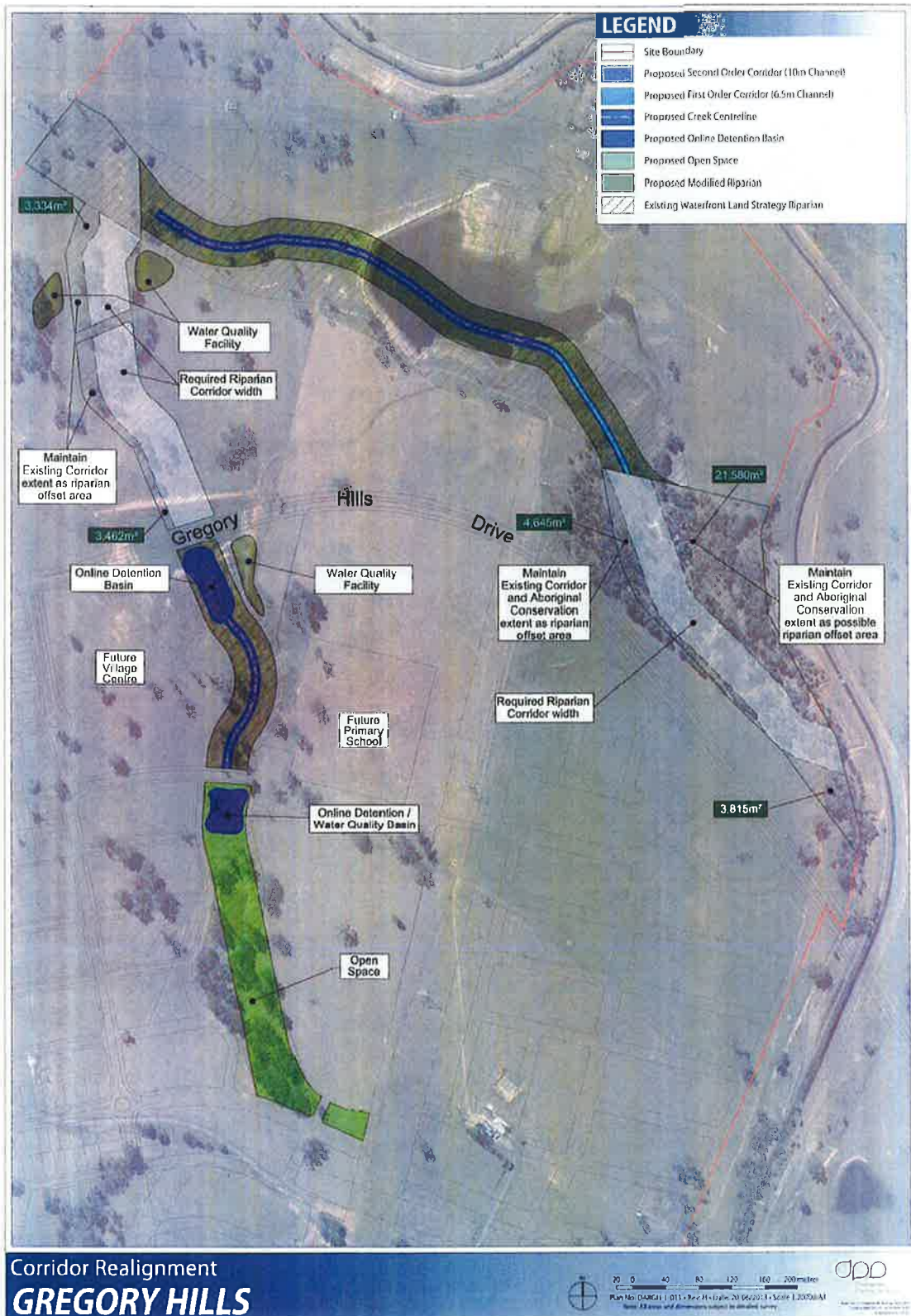


Figure 2. Gregory Hills Strahler Assessment with indicative buffer location



3 Permissible Activities

The WFLS included the following activities that are permissible within the Core Riparian Zone (CRZ):

- Environmental protection works
- Drainage
- Crossings (Eg. Roads, service utilities, paths)

In addition, the following activities are permissible within the Vegetated Buffer (VB):

- Environmental protection works
- Drainage
- Water quality features
- Service utilities
- Crossings (eg. Roads, service utilities, paths)
- Passive recreation use, or open space uses (eg walking and cycle paths, seating, interpretive signage). These uses cannot exceed 40% of the area of the VB and must be designed to ensure no reduction in the function of the CRZ. Generally these uses should be contained within the roadside edge of the VB (the 40% rule is to be applied on an individual DA basis and is not to be accumulated across DAs)

The new *Guidelines for riparian corridors on waterfront land* (NOW, June 2012) include the following matrix identifying what is permissible within the various stream orders.

Stream order	Vegetated Riparian Zone (VRZ)	RC off-setting for non RC uses	Cycleways and paths	Detention basins		Stormwater outlet structures and essential services	Stream realignment	Road crossings		
				Only within 50% outer VRZ	Online			Any	Culvert	Bridge
1 st	10m	•	•	•	•	•	•	•		
2 nd	20m	•	•	•	•	•		•		
3 rd	30m	•	•	•		•			•	•
4 th +	40m	•	•	•		•			•	•

The matrix identified a suite of uses that is broadly in line with the WFLS, the major differences being:

1. The matrix does not differentiate CRZ and VB
2. The matrix allows online basins within 1st and 2nd order streams, but only allows detention basins within the outer 50% of 3rd and 4th order streams whereas vegetated dry basins are permissible within the CRZ under the WFLS
3. The averaging rule allows non-riparian uses to occur within the riparian corridor providing that such uses are offset. The WFLS has fixed locations and widths

An area of 36,836sqm in addition to the riparian corridor is proposed to be protected at the headwaters of South Creek and along a section of the southern tributary. Part of this will be used to offset the loss of first order streams, whilst the remainder (24,231sqm) would be available as an offset for any 'non-RC' uses that occur on the site. In order to monitor this, it is proposed that each Development Application would include a section that identifies the area of non-RC uses and the cumulative area of any non-RC uses from previous development applications at the site.

4 Proposed Variation to Standards

A workshop was undertaken with the developers, urban designers and project engineers to assess the implications of implementing the new *Guidelines for riparian corridors on waterfront land* (NOW, June 2012). It was identified during the workshop that it would be beneficial for the development if the upper reach of the southern-most creek (unnamed creek) was used for passive open space. Under the guidelines such a use would only be permissible within the outer 50% of the riparian corridor and would need to be offset.

Allowing open space uses along the full width of the 'open space' area identified in Figure 3 would provide for a better landuse outcome in this area. As these sort of uses are only permissible in the outer 50%, a variation to this standard would be required to enable this approach to be undertaken. It is noted that page 5 of the *Guidelines for riparian corridors on waterfront land* (NOW, June 2012) allows for such a merit based assessment. Given that this section of 1st order stream is highly disturbed and would need to be rehabilitated and revegetated we believe there is merit in considering a holistic approach in this area.

The design of this area would include an open vegetated channel, a path meandering through the riparian corridor and a series of recreational facilities including seating and tables. All revegetation would incorporate locally indigenous native species, however it is proposed that a more formal landscape approach to planting would be undertaken rather than more random planting typically used in revegetation works.

To compensate for passive open space use, any areas that were used for non-RC uses within both the inner and outer riparian corridor would be offset utilising the remaining 24,231sqm of offset area at the head of South Creek.

5 Options for Implementation

There are a number of options for implementing the *Guidelines for riparian corridors on waterfront land* (NOW, June 2012) at this site. The two most practical options are discussed below.

Modify Waterfront Land Strategy

The WFLS could be modified to bring it into line with the *Guidelines for riparian corridors on waterfront land* (NOW, June 2012). As the WFLS is a gazetted document it is likely that it would need to be reviewed/approved by NSW Office of Water, Camden Council, Department of Planning and Infrastructure and potentially Parliamentary Council. Given the complexity involved it is unlikely that modifying the WFLS would be supported.

Follow the Controlled Activity Approval Process

Given the low likelihood of the WFLS being modified, future Development Applications will need to go through the CAA process for any development that is inconsistent with the current WFLS. Providing the WFLS is maintained in its current form, the exemptions applying to many of the smaller streams across the Oran Park and Turner Road precincts would remain in place.

For the retained streams assessed herein, the *'Guidelines for riparian corridors on waterfront land'* (NOW, June 2012) and merit-based assessment identified in this report would be applied.

In going through the CAA process, landholders will lose the exemption from bonds. However it is noted that it is not compulsory to have bonds, and that it may not be necessary to have bonds for the full amount of riparian work. Also of note, Camden Council have in place a *'Dedication of Riparian Corridors Policy'* that ties dedication of riparian corridors to Council with satisfactory establishment of riparian vegetation and instream works. This dedication can only occur through a legally binding Voluntary Planning Agreement (VPA). Given the security provided via the VPA it is recommended that bonds under the *Water Management Act* are not required for developments where the landholder has entered into a VPA that includes the dedication of riparian corridors to Council.

Landuse Zones

In order to align riparian corridors with landuse zones it is advised that the changes identified in this document are reflected in the zoning of the site. This will require an amendment to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

6 Conclusion and Recommendations

The development of the WFLS reflected riparian policy at the time of the rezoning of Oran Park and Turner Road. Significant advancements in the approach to riparian corridors and mechanisms to streamline assessment and approvals processes have been made since this time.

Bringing this site into line with the current approach to riparian corridors would meet current riparian policy and is consistent with the approach being applied at precincts that are currently going through the rezoning process including East Leppington and Catherine Fields South.

It is recommended that the riparian corridors on the site are brought into line with current government policy. Dialogue with NSW Office of Water, Camden Council and Department of Planning should be furthered, with specific consideration of the most practical way of implementing the new policy, whilst maintaining some of the streamlined approvals processes contained within the Oran Park and Turner Road Waterfront Land Strategy.

The landuse changes identified in this report should be reflected in the landuse zones at this site, requiring an amendment to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. This will ensure that the SEPP is streamlined with the requirements of the *Water Management Act, 2000*.

References

Department of Planning, 2009. *Oran Park and Turner Road Waterfront Land Strategy*.

Department of Infrastructure, Planning and Natural Resources (2004). *Wollongong Riparian Corridor Management Study*.

NSW Office of Water, June 2012. *Guidelines for riparian corridors on waterfront land*.

NSW Office of Water, June 2012a. *Controlled activities in riparian corridors – frequently asked questions*.

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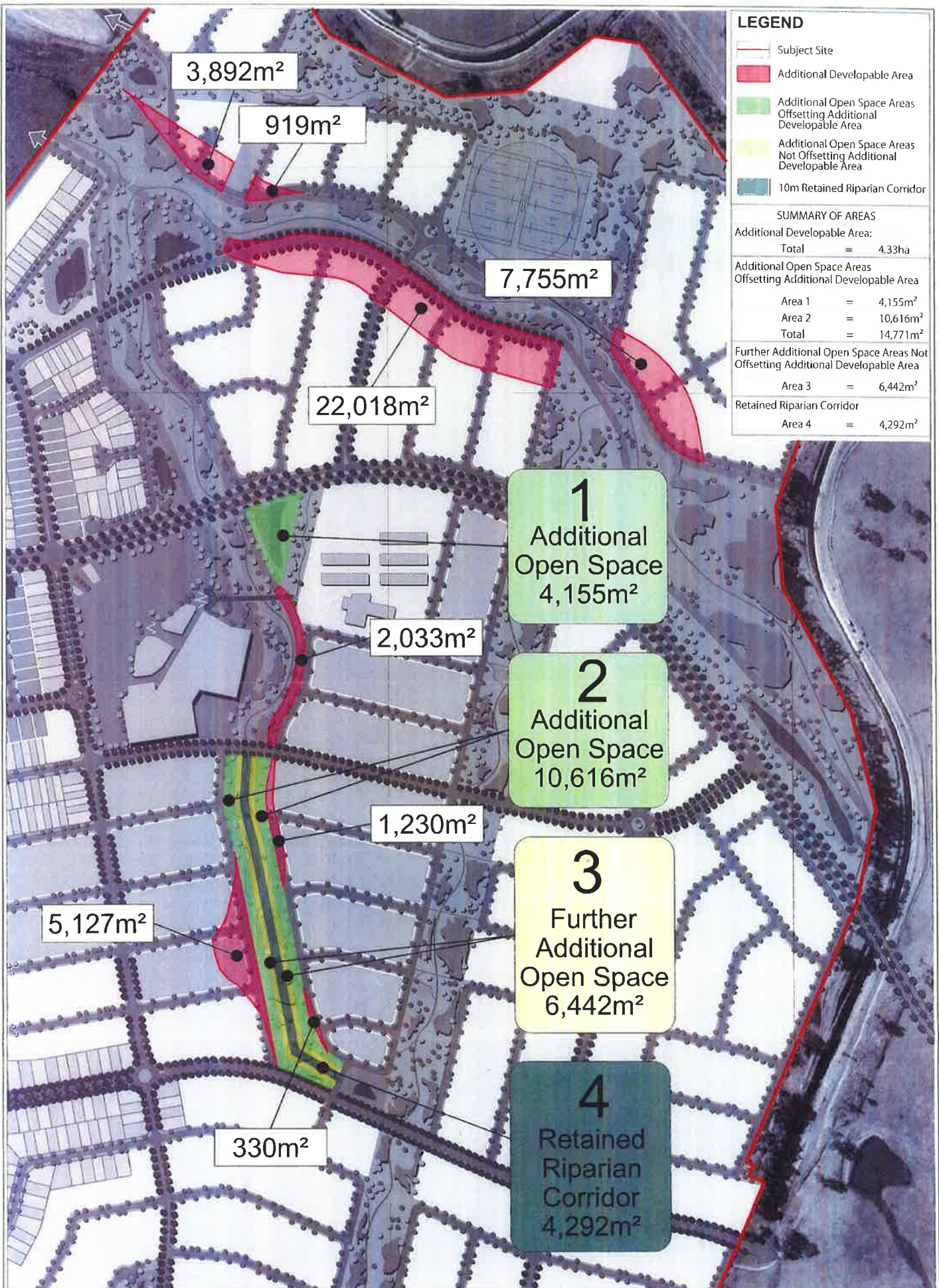
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ATTACHMENT 3

Riparian Corridor Planning Proposal Areas Map



LEGEND

- Subject Site
- Additional Developable Area
- Additional Open Space Areas Offsetting Additional Developable Area
- Additional Open Space Areas Not Offsetting Additional Developable Area
- 10m Retained Riparian Corridor

SUMMARY OF AREAS

Additional Developable Area:	
Total	= 4,33ha
Additional Open Space Areas Offsetting Additional Developable Area	
Area 1	= 4,155m ²
Area 2	= 10,616m ²
Total	= 14,771m ²
Further Additional Open Space Areas Not Offsetting Additional Developable Area	
Area 3	= 6,442m ²
Retained Riparian Corridor	
Area 4	= 4,292m ²

1
Additional
Open Space
4,155m²

2
Additional
Open Space
10,616m²

3
Further
Additional
Open Space
6,442m²

4
Retained
Riparian
Corridor
4,292m²

Riparian Corridor Planning Proposal Areas GREGORY HILLS



20 0 40 80 120 160 200 metres

Ref: DARGH-1-024 Date: 17/03/2015 Revision: F Scale: 1:2,500@A1

Note: All areas and dimensions subject to detailed survey

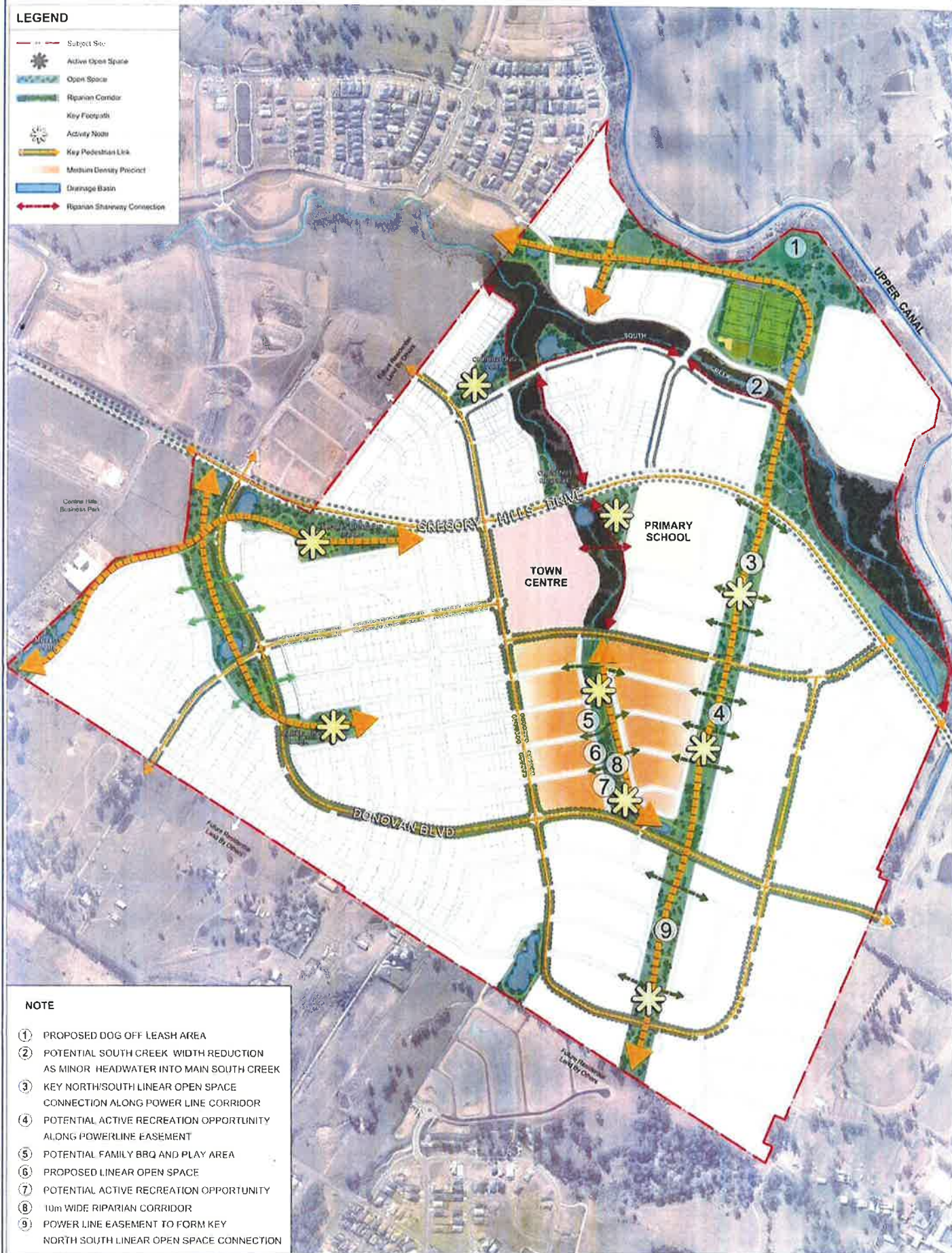
design
PLANNING
PO Box 1775 SYDNEY NSW 2001
Tel: 02 9550 1111 Fax: 02 9550 1112

ATTACHMENT 4

Landscape Connectivity Principles Plan

LEGEND

- Subject Site
- Active Open Space
- Open Space
- Riparian Corridor
- Key Footpath
- Activity Node
- Key Pedestrian Link
- Medium Density Precinct
- Drainage Basin
- Riparian Shareway Connection



Landscape Principles Plan GREGORY HILLS



Ref: D41G111-027 Date: 09/04/2015 Revision: 0 Scale: N.T.S.

Note: All areas and dimensions subject to detailed survey

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ATTACHMENT 5

NSW Office of Water Letter



Foreword

The NSW Government is strongly committed to increasing the supply of housing. The State's housing production is at historic lows and this has a major impact on housing affordability and the performance of the State's economy generally.

The NSW Government has identified a number of system-wide issues that complicate planning processes and add to the time and cost of housing development. The regulation of controlled activity approvals in riparian corridors has been identified as one such issue.

To address these issues the NSW Government is implementing a package of reforms to improve housing supply in NSW. These reforms include changes to the policy and practice of the regulation of controlled activity approvals in riparian corridors. The changes are explained in the new *Guidelines for riparian corridors on waterfront land* that commenced on 1 July 2012. This riparian corridors reform will cut red tape, reduce development costs and increase the amount of land available for housing, whilst continuing to protect and restore the riparian corridor environment.

The purpose of this manual is to provide professionals involved in the housing development industry, particularly in the greater Sydney urban growth centres, with information on the:

- NSW Government's planning reform agenda to address systematic issues affecting housing supply;
- NSW Office of Water's role in regulating controlled activities on waterfront land;
- new *Guidelines for riparian corridors on waterfront land* and how to apply and comply with those guidelines; and
- new controlled activity approvals fee schedule.

This support tool will enable developers, planners and other professionals to understand and comply with the new guidelines and fees. It includes copies of all current controlled activities guidelines, the new fee schedule, a case study to demonstrate how the new *Guidelines for riparian corridors on waterfront land* can be applied, answers to frequently asked questions, and copies of presentations from the 12 July industry workshop.

I encourage you to make use of this manual and raise any questions or concerns with the NSW Office of Water's freecall water regulatory hotline 1800 353 104 or email information@water.nsw.gov.au

Marwan El-Chamy
A/Executive Director, Licensing and Compliance

12 July 2012

ATTACHMENT 6

Gregory Hills Biodiversity Certification Review - Eco Logical Australia



ECO LOGICAL AUSTRALIA PTY LTD

ABN 87 096 512 088

www.ecoaus.com.au

Dean Golding
Dart West
Via email; Dean.Golding@dartwest.com.au

12WOLPLA-0047

30 August 2013

Dear Dean,

Oran Park and Gregory Hills – Riparian Corridors and Biodiversity Certification

As requested, please find below an explanation of the relationship between the riparian corridors and the Growth Centres Biodiversity Certification and any implications of the proposed changes to the riparian corridors.

Biodiversity Certification Overview

The Growth Centres SEPP has been 'bio-certified' by the order of the Minister for the Environment under s.126G of the TSC Act. The Mechanism for achieving this is outlined in the *Growth Centres Conservation Plan* (Eco Logical Australia, 2007) and the conditions for the bio-certification are documented in the Ministers order for consent. Bio-certification negates the requirement for the impact assessment under s.5A of the *Environmental Planning and Assessment Act, 1979* thus turning off the requirements for seven part tests or species impact statements.

On Tuesday, February 28th 2012, the Commonwealth Minister for the Environment announced that the program of development activities within the Growth Centres has now been approved under the EPBC Act Strategic Assessment process. Specifically, all actions associated with the development of the Western Sydney Growth Centres as described in the Sydney Growth Centres Strategic Assessment Program Report (Nov 2010) have been assessed at the strategic level and approved in regards to their impact on the following matters of NES:

- World Heritage Properties,
- National Heritage Places,
- Wetlands of International Importance,
- Listed threatened species and communities, and
- Listed migratory species.

The biodiversity certification identifies two categories of land across the growth centres;

1. Certified – exempt from the TSC and EPBC Acts
2. Non-certified – continues to be subject to the TSC and EPBC Acts plus has additional requirements under the Growth Centres Biodiversity Certification Order in relation to impacts on 'ENV'¹

¹ ENV – Existing Native Vegetation as mapped in the Biodiversity Certification Order

Implications in relation to proposed changes

Oran Park

All of the proposed changes are located on 'certified land' that is exempt from the TSC and EPBC Acts (see Maps 1, 2 & 3).

A small area of certified ENV will be removed (see figure 3). As this ENV is on certified lands there are no implications with its removal.

Gregory Hills

The majority of the proposed changes are located on 'certified land' that is exempt from the TSC and EPBC Act (see Map 4).

A small section of the proposed changes is located on non-certified land. The certification boundary in this area has been determined based on regional flood modelling and is not related to biodiversity values. This area of land will continue to be subject to the TSC and EPBC Acts, however field validation has determined that the land affected is exotic pasture that does not contain any ecosystems or species protected under these Acts, as such there will be no implications under biodiversity legislation.

This area of land does not contain 'ENV', as such there are no additional implications under the Growth Centres Biodiversity Certification Order. It is worth noting that the Department of Planning and Infrastructure has made non-certified land available for development if it does not contain ENV at other precincts within the Growth Centres (eg. Catherine Fields South).

Conclusion

All of the proposed changes at Oran Park are located on 'certified land' and there are no implications for the proposed changes under the Biodiversity Certification Order, Threatened Species Conservation Act, 1995 or Environmental Protection and Biodiversity Conservation Act, 1999.

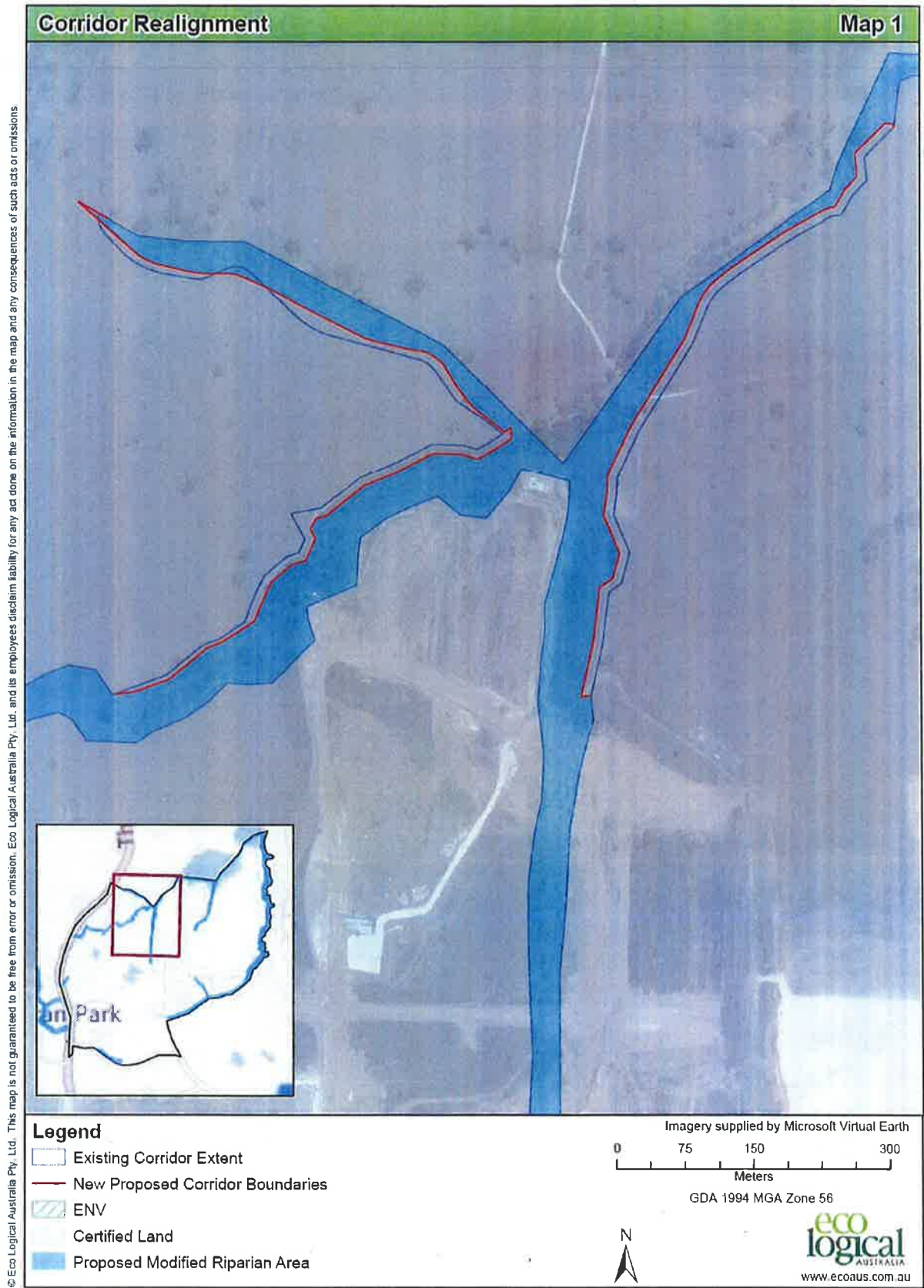
Within Gregory Hills the majority of the changes are located on 'certified land'. Within the small area located on 'non-certified land' there is no ENV and there is no vegetation, species or habitat protected by the above legislation.

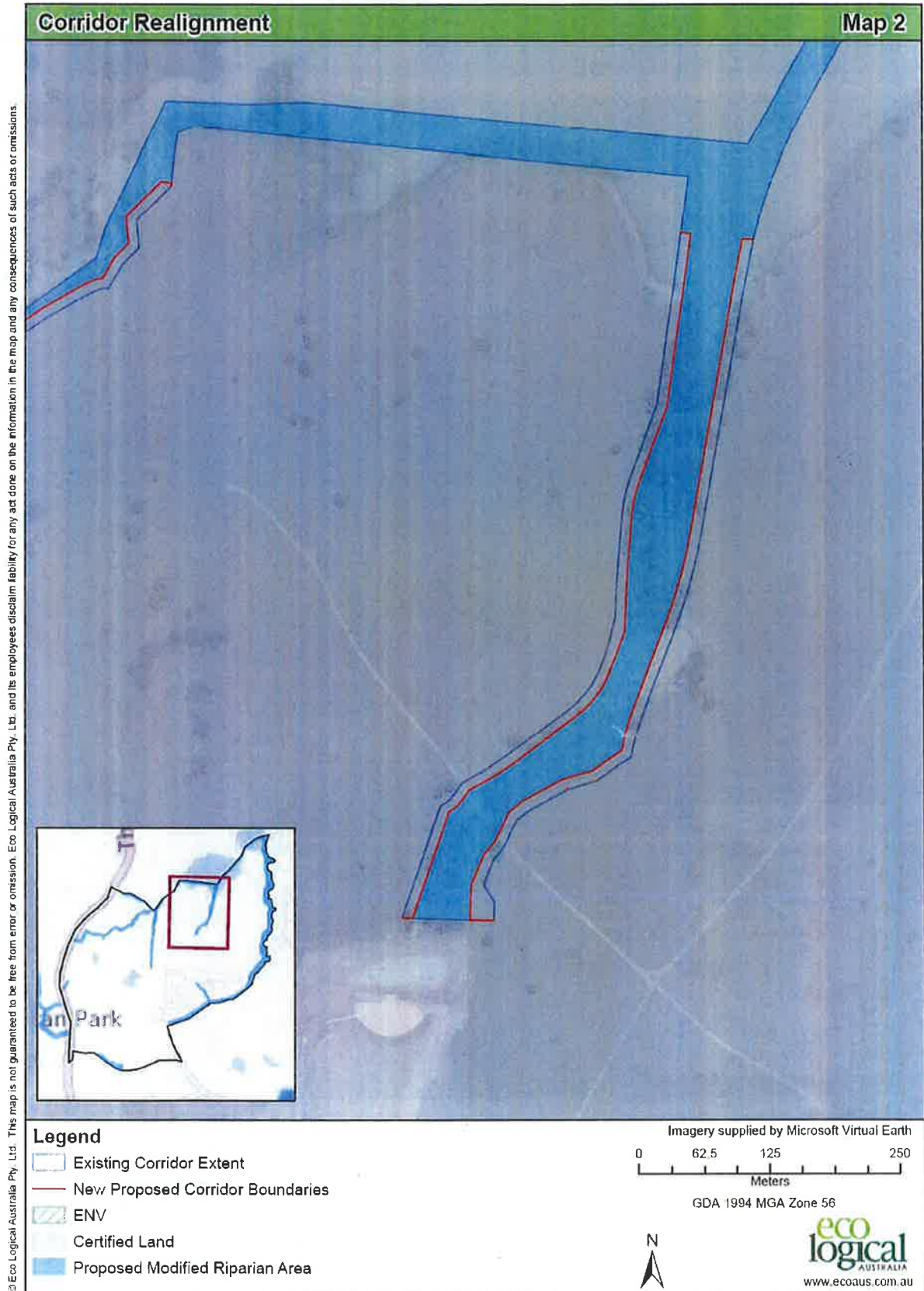
If you require any further information please contact me on (02) 4201 2201.

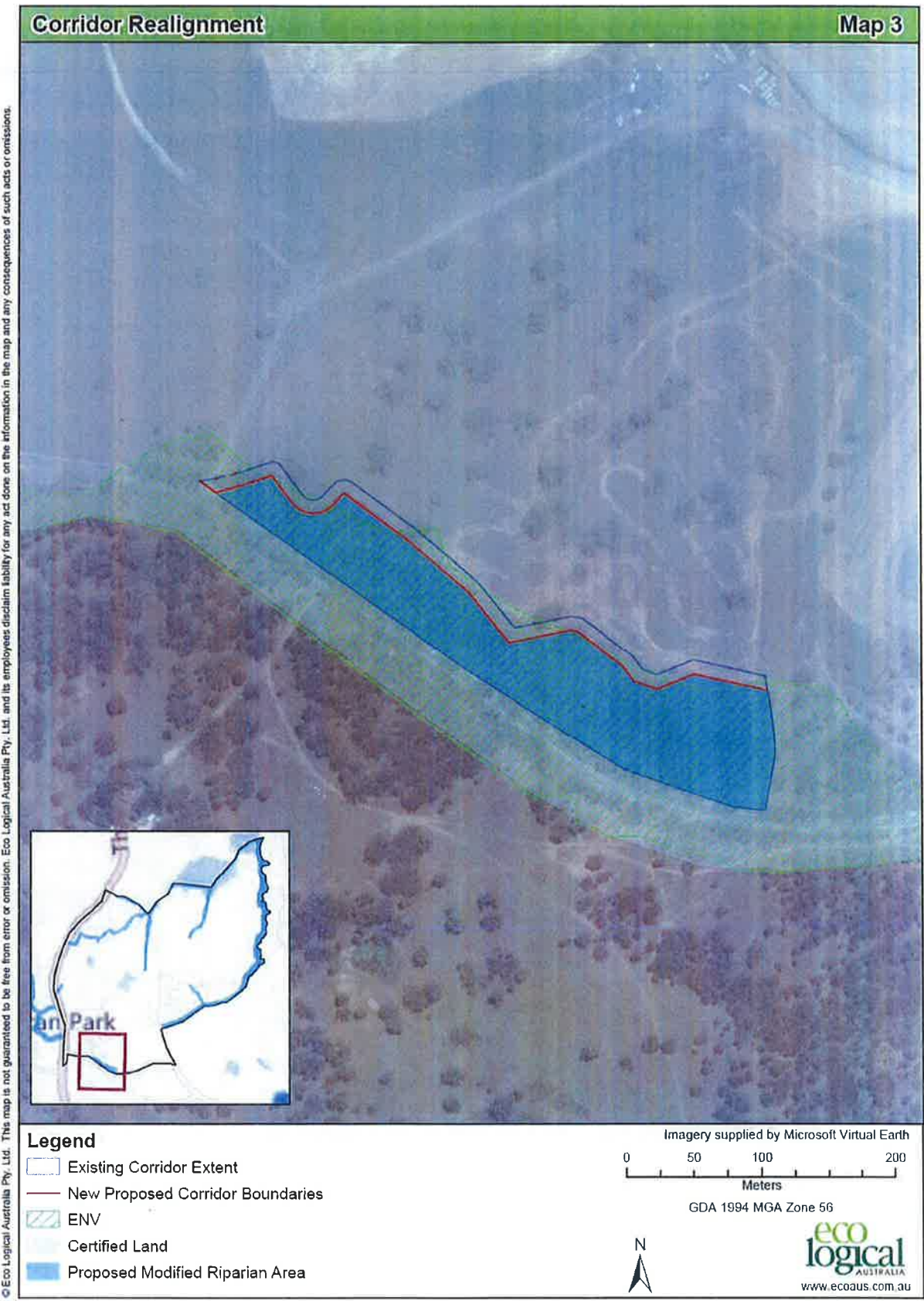
Yours Sincerely



Steve House
Director









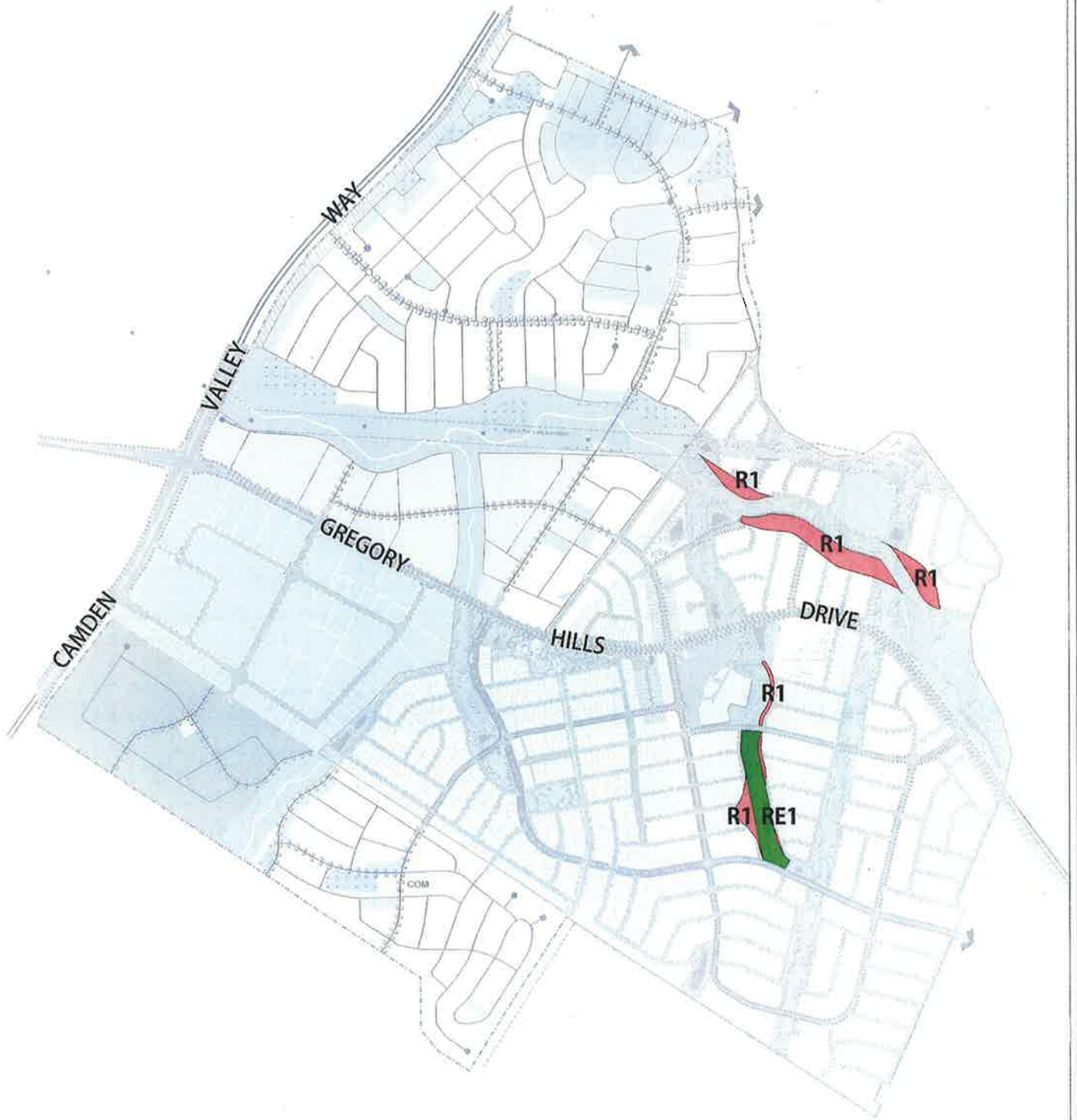
ATTACHMENT 7

Proposed amendments to the South West Growth Centre Land Zoning Maps

LEGEND

ZONE

- GENERAL RESIDENTIAL
- PUBLIC RECREATION



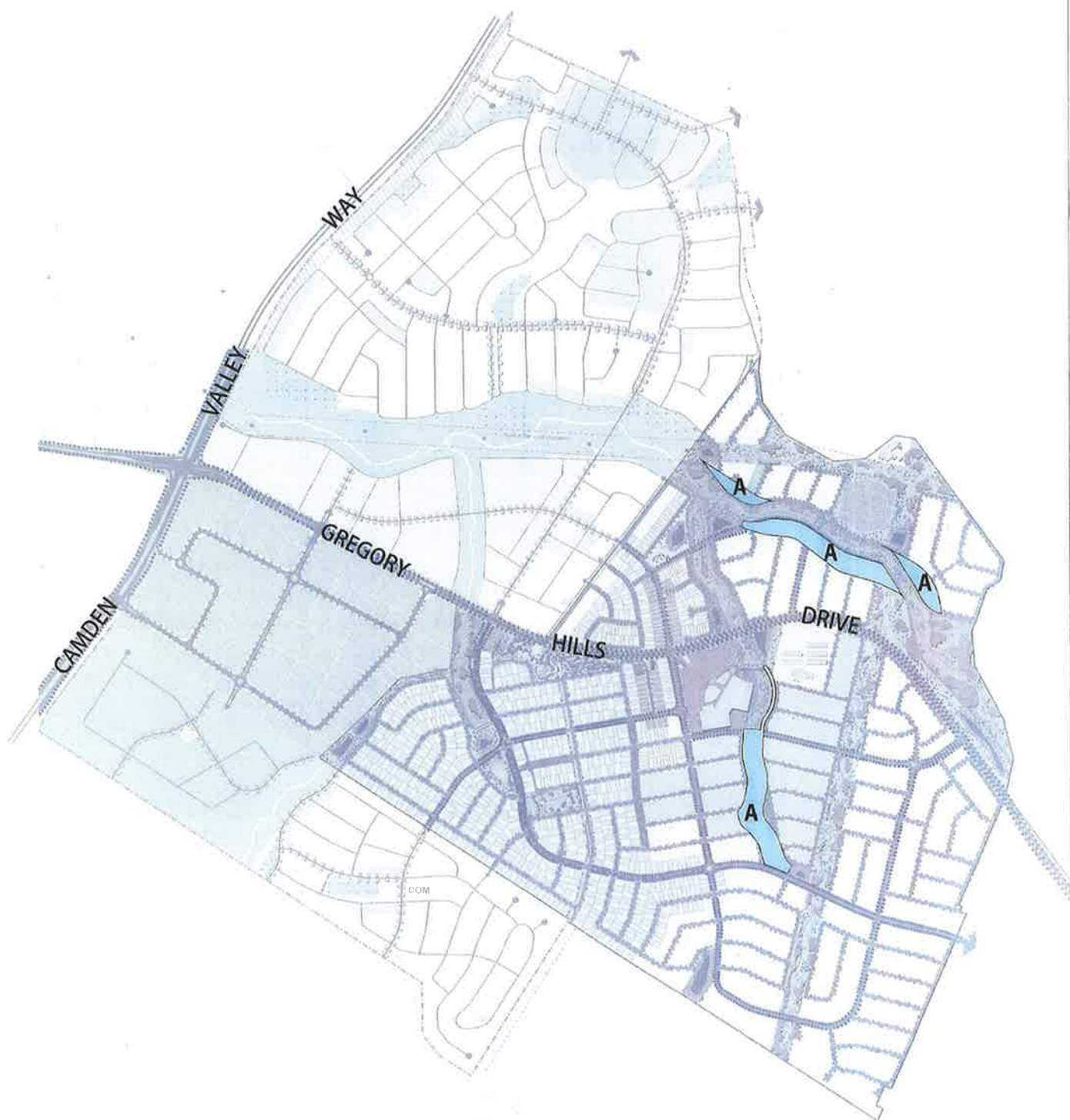
ATTACHMENT 8

Proposed amendments to the South West Growth Centre Lot Size Maps

LEGEND

MINIMUM LOT SIZE (sq m)

A 125



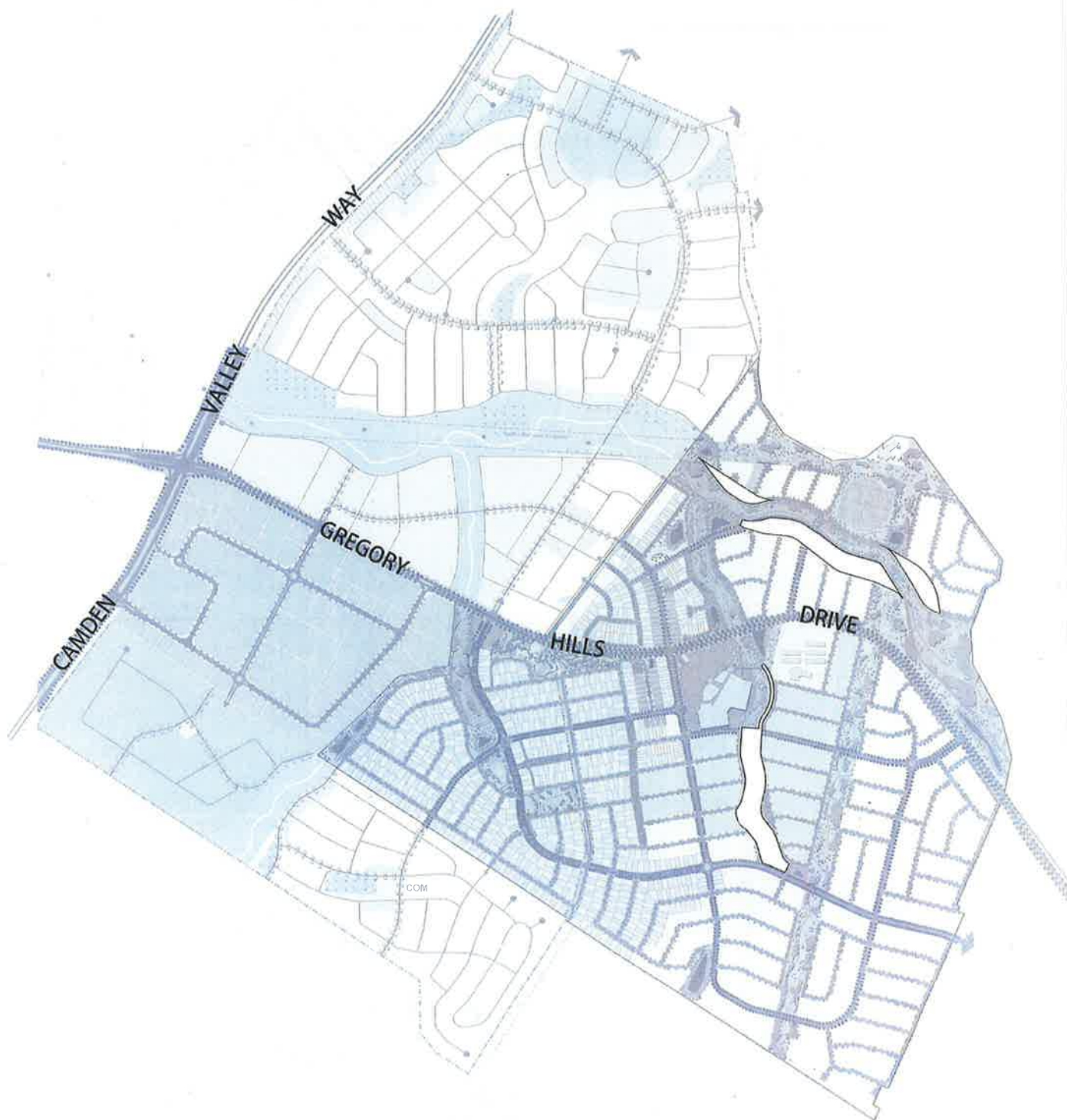
ATTACHMENT 9

Proposed amendments to the South West Growth Centre Special Areas Maps

LEGEND

ZONE

AREA TO BE REMOVED FROM
SPECIAL AREAS ANNOTATION



ATTACHMENT 10

Proposed amendments to the South West Growth Centre Height of Buildings Maps

LEGEND

MINIMUM BUILDING HEIGHT (m)

16 RESIDENTIAL FLAT BUILDINGS
9.5 ALL OTHER DEVELOPMENTS



ATTACHMENT 11

Proposed amendments to the South West Growth Centre Riparian Protection Area Maps

LEGEND

RIPARIAN AREA

 RIPARIAN PROTECTION AREA
TO BE REMOVED

